DANIEL GOLDHAGEN: A REPLY TO MY CRITICS

THE NEW REPUBLIC

DECEMBER 23, 1996 • $2.95

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A REPRINT OF FRANK RICH'S OP-ED COLUMN IN The New York Times

Calling Bob Dole, William Bennett, Joseph Lieberman, Al and Tipper Gore and foes of depraved pop culture everywhere: The next Hollywood exhibit awaiting your moral outrage is being unveiled as the gala closing-night attraction at the New York Film Festival tomorrow night and by Oscar® time will be playing at a multiplex near you.

It's a movie co-produced by Oliver Stone that features explicit bisexuality and drug use, not to mention a comic sequence in which the hero appears wrapped in a diaper made from the American flag. As if that's not enough, the hero is a pornographer -- the publisher of Hustler magazine, Larry Flynt (played by Woody Harrelson) -- and the villain is the founder of the Moral Majority, the Rev. Jerry Falwell. The heroine? Flynt's wife, an underage erotic dancer and AIDS-stricken junkie -- portrayed by an admitted heroin user, the rock star Courtney Love.

After watching "The People vs. Larry Flynt," which truly offers something to offend everyone, our cultural guardians may wish they had not wasted so much firepower on "Natural Born Killers," "Striptease," and "Mighty Morphin Power Rangers." Even before the film's release, its poster -- which mixes religious, sexual and flag imagery to comic effect -- has been censored by Hollywood's own trade organization, the Motion Picture Association of America.

The more condemnation, perhaps the better. Notoriety sells tickets, and "The People vs. Larry Flynt" deserves a huge adult audience, because it is the most timely and patriotic movie of the year. Based on the true-life story of Flynt's courtroom battles to protect his freedom of speech, this film is an eloquent antidote to anyone who would jawbone the First Amendment to clean up the grotesque excesses of our culture.

What makes the movie so effective is that it doesn't sentimentalize or airbrush Larry Flynt. Hustler, with its nasty debasements of women and crude, infantile humor, is depicted with untitillating honesty, and its creator

often comes across as a pig. But when he is found guilty by a Virginia jury of causing "emotional distress" to Falwell by caricaturing him as an alcoholic, incestuous sinner in a Hustler parody, Flynt takes the case to the Supreme Court.

His victory, in a unanimous 1988 decision written by Chief Justice William Rehnquist, makes "The People vs. Larry Flynt," for all its scabrous humor, surprisingly moving -- not because we root for its hero but because we root for the Constitution. Had Flynt lost, the effect would have been to gut libel law and chill any writer, cartoonist or entertainer who mocks a public figure. The importance of the case is perfectly summed up by a line of Flynt's: "If the First Amendment will protect a scumbag like me, then it will protect all of you. Because I'm the worst."

To understand why this movie has been made now, and with such urgency, one need only listen to its director, Milos Forman. A two-time Oscar® winner (for "One Flew Over the Cuckoo's Nest" and "Amadeus"), Mr. Forman lost both his parents to Nazi death camps as a child; his filmmaking career began in postwar Stalinist Czechoslovakia. "I spent my most sensitive years in two totalitarian regimes," he recalled last week at his home in New York, on the day he attended a 60th birthday tribute to his friend and former fellow dissident Vaclav Havel. "The Nazis and Communists began by attacking pornography, homosexuals -- it always starts very innocently."

Mr. Forman is concerned about the growing power of American cultural commissars on the secular and religious right. He worries about his movie's fate in some corners of the country. At a time when even the word "liberal" is considered obscene -- another alarming bit of déjà vu for Mr. Forman -- the film's only political ally may be Rudolph Giuliani, whose wife, Donna Hanover, appears in it (and brilliantly so) in the satirically drawn role of the evangelist Ruth Carter Stapleton.

But most of all, the director worries whether Americans take too much for granted the Bill of Rights that he, a naturalized citizen, finds so precious. "The United States is the strongest country not because it's the biggest or richest," he says, "but because it's the freest." His provocative movie is not only a celebration of that freedom but, in our current political climate, a likely test of just how far that freedom really extends.

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AT SELECT THEATERS DECEMBER 27

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CORRESPONDENCE

Not shy

To the editors:

It's not my job to credit the establishment media for their rigorous reporting of the so-called Clinton scandals, but I'll give it a whirl after reading William Powers's uncharacteristically unbalanced and inadequately researched cover story ("Scandal Shy," December 16).

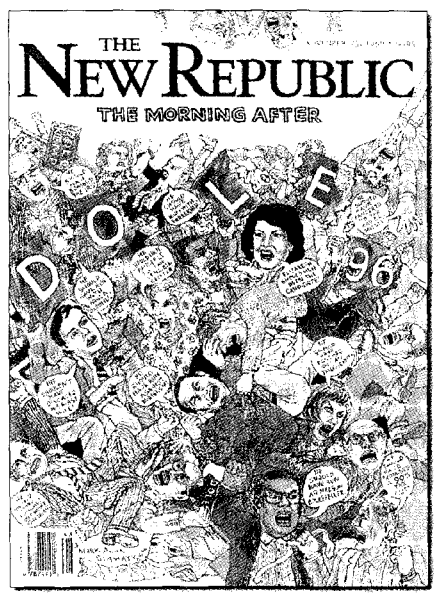
Powers's premise that the media swept these stories under the rug in the same way they ignored Watergate over two decades ago simply doesn't square with the facts. Take front-page coverage in *The Washington Post*, *The New York Times* and *The Los Angeles Times* as a starting point. From January 1 through November 5, 1996, 143 page-one "ethics" stories (Whitewater, FBI files, Lippo, Travel Office) were published in these papers. By way of comparison, these same three newspapers over the same period published 121 page-one stories on the presidential campaign's impact on jobs, education, the economy and crime. And these figures don't even include *The Wall Street Journal* editorial page's daily screed against the Clinton administration.

Next, let's go on to the videotape. Powers suggests that sixty-two stories on the three major networks over the last sixty-four days of the campaign was somehow insufficient attention. To give this statistic perspective, one needs to look at the network coverage of other domestic news. Over the same time period, they ran a total of 163 stories on the presidential campaign, and they ran twice as many stories on ethics as on the economy.

Powers cites ABC in particular for underplaying the stories. He wasn't watching the same network as me. From September 2 to November 4, "World News Tonight" ran twenty-four ethics stories. Going back to the beginning of 1996, they ran 128 stories on these issues, and "Nightline" discussed them on nineteen separate occasions. Compare that to "Nightline"'s one show on Senator Dole's questionable ties to his former treasurer David Owen.

I haven't always been happy with *The New York Times*'s coverage of Whitewater, but Powers's extended discussion of how they dealt with the FDIC report on September 24 ignores two important points: (1) This was simply a revised FDIC report completed at the specific request of Senator D'Amato; and (2) The conclusions in the revised report were substantially similar to the conclusions the FDIC had already published.

So it's hard to see what Powers is so worked up about. But having failed to establish his predicate, he launches into an even more tendentious analysis. The media were cowed, Powers argues, by an "unbelievable campaign of pressure and fear" by the White House. I'm proud of the fact that we have aggressively answered the ceaseless partisan attacks against the Clintons, and I make absolutely no apologies for proving that almost all of Gary Aldrich's charges were pure fabrications that didn't deserve to be broadcast over network television. THE NEW REPUBLIC wouldn't print charges it knew to be untrue. A network shouldn't broadcast them. All we did was present ABC with the evidence of Aldrich's blatant lies and ask them if the charges were credible before turning over their pre-



cious airtime. What's wrong with that?

Apparently nothing, concludes Powers, when it was done by the Dole campaign. While the White House was guilty of inappropriate "pressure" and "interventions," the Dole campaign was engaged merely in a "backstage conversation" with *The Washington Post* to prevent them from running a damaging story on Senator Dole's personal life. Powers fails to mention that that "conversation" included an extraordinary call from Elizabeth Dole to *Post* Publisher Donald Graham asking the *Post* not to publish. Imagine how he would have treated a similar call from Hillary Clinton.

Finally, Powers reaches the startling and entirely speculative conclusion that "had a Republican president been up for re-election this year, facing the same array of ethical problems Clinton faced, the scandals would have gotten more ink." Based on what evidence? All of this is especially hard to swallow given the fact that the only specific unpublished story discussed in the whole piece is one *The Washington Post* chose not to run about Senator Dole.

Powers has some interesting things to say about embedded cultural bias in the media, but he doesn't go far enough. There is an establishment bias that cuts across party lines: it's pro-choice, pro-free trade, pro-gun control, pro-gay rights, pro-entitlement reform and anti-populist. A solid moderate Republican like, say, Colin Powell, is the ultimate exemplar of that worldview. But, more than anything else, the media love a hot story with partisan conflict and the possibility of impropriety. That's what they thought they saw with the so-called Clinton scandals, and that's what the coverage reflects.

GEORGE R. STEPHANOPOULOS
Senior Adviser to the President for Policy and Strategy,
Washington, D.C.

William Powers replies:

If I needed more evidence to buttress my argument, surely this is it: George Stephanopoulos thinks the media did a splendid job on the Clinton scandal stories. I'm tempted to say case closed, but since Stephanopoulos missed my fundamental point, let me restate it. It's not that the media didn't cover the president's various ethical problems—they ran a lot of stories, and those stories can be totaled up and made to seem impressive in their number. What the media didn't do is make the Clinton scandal stories matter to the public. The press has various ways—tone, story play, aggressiveness of coverage—of telling readers and viewers that they should care about scandals such as Whitewater, Filegate and the startlingly dormant Paula Jones story. In this campaign, with the exception of the late-breaking campaign finance story, the media sent no such message. The scandal coverage was perfunctory, passive, half-baked. It failed not only to render the Clintons' wide array of ethical problems comprehensible to voters, but to convey any sense of urgency about what role those scandals might play in a second Clinton administration. I believe the stories Mr. Stephanopoulos refers to are for the most part the sort of spot news stories that the press *must* cover—stories that arise when the other candidate levels an accusation, or a jury returns a charge, or an investigative committee files a report.

As for Mr. Stephanopoulos's point about Clinton campaign interventions with the press versus Dole interventions, it's of course true that both sides actively engage in damage control. But any astute Washington journalist can tell you that over the last four years the Clinton White House has raised this activity to an art form. I think the media were quite

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shy about Dole's ethical issues as well, but in this election there were overwhelmingly more scandal stories, and more serious ones, about the incumbent. Dole had no case of sexual harassment pending before the Supreme Court, no independent counsel investigating him on numerous fronts.

Finally, Mr. Stephanopoulos suggests that if the major media evince a group bias, it is essentially that of a "solid moderate Republican." That is not the press I know, and I honestly doubt it is the press Mr. Stephanopoulos knows, either.

Dollar diplomacy

To the editors:

While John B. Judis ("Dollar Foolish," December 9) states correctly that Treasury Secretary Robert Rubin believes a strong dollar greatly benefits U.S. workers and our economy, the thrust of his article and many statements in it are inaccurate.

Our exchange rate policy over the past eighteen months was not and is not driven by a misguided attempt to rescue Japan from financial distress at the expense of the American economy. We did not believe eighteen months ago that Japan's economic and financial problems could be solved through exchange rate depreciation, and we do not believe that today.

Our policy is grounded firmly in America's long-term economic interests. A strong dollar benefits America by raising real incomes of American workers, by sustaining investment through lower interest rates and by helping to preserve international financial stability through maintaining confidence in the dollar's role as an international reserve currency. These benefits have helped sustain the current expansion in the U.S., and they will help over the long run as well.

The dollar's rise can hardly be attributed to a secret conspiracy. As every foreign exchange trader knows well, in April 1995, the finance ministers and the Central Bank governors of the Group of Seven publicly called for an "orderly reversal" of the movements in the major currencies. That commitment coincided with a number of fundamental economic factors that contributed to the subsequent rise in the dollar and decline of the Japanese yen and German mark—including good economic conditions here at home, weak economic performance and accommodative monetary policy in Japan and Germany, and a sharp decline in the Japanese current account surplus.

Exchange market intervention played a role in the dollar's recovery, but far less a role than Judis suggests. The members of the G-7 have intervened on relatively few occasions since April 1995, far less frequently than in the preceding eighteen months. The dollar has strengthened largely because our fundamentals are strong.

Judis observes accurately that foreign government holdings of U.S. Treasury securities have increased in recent years, but jumps to the false conclusion that these holdings convey significant influence over U.S. interest rates and leverage over the U.S. government. In fact, foreign governments now hold a relatively small share of these assets (roughly 10 percent as of September of this year) and their influence on U.S. interest rates is dwarfed by the impact of decisions made by private investors here and around the world. Foreign investment in treasuries has risen because of increased confidence in the American economy, not because of official collusion. We don't make deals with other countries in private to purchase U.S. securities in return for some quid pro quo.

LAWRENCE SUMMERS
Deputy Secretary of the Treasury, Washington, D.C.

Whose camp

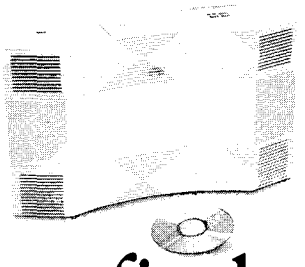
To the editors:

I am unaccountably saddened that even so generous a spirit as David Rieff has had to acknowledge a fact that has long been apparent to some of us: that international "humanitarian" intervention sometimes creates more problems than it solves ("Camped Out," November 25). The experience of the Hutu camps in Zaire is not without precedent: a very similar situation arose in the 1980s, when the genocidal leaders of the Khmer Rouge took control of certain UNHCR refugee camps on the Cambodian border.

Well-intentioned though it is, the prospect of international action can, in certain circumstances, become a dangerously destabilizing one. It is an unfortunate truth that demagogues and political extremists around the world have begun to think of international military and humanitarian intervention as factors to be used in the pursuit of their aims. Over the last couple of years I have come across an alarming number of people who have said: "If only we could make things worse, the world would have to intervene. . . ."

Aid workers are right when they point out that "not intervening . . . hardly seems like a better alternative." But nor should the world's conscience acquire a license to wreak havoc simply because it cannot resist its need to be assuaged.

AMITAV GHOSH
New York, New York



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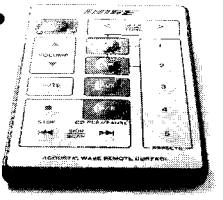

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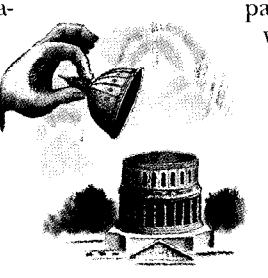
FROM WASHINGTON

Friends like these

On Monday morning, bright and early, my telephone rang, and there was George Stephanopoulos calling to say how perfectly appalling and utterly unfair he had found the maiden effort of TNR's new media critic, William Powers. In his cover story ("Scandal-Shy," December 16), Powers argued that the establishment press had, for various reasons, gone relatively easy on the coverage of Clinton scandal stories in 1996. One of the reasons he cited was the intensity of the campaign waged by, among others, George Stephanopoulos to discourage reporters and editors from pursuing critical stories. Stephanopoulos had two main objections to the story, which he expressed in typical Stephanopoulos fashion: polite, friendly, relentless. One, he said, it was overstating the case to say that he and his fellow defenders of President Clinton had done anything so unusually aggressive as all that in their attempts to manage the press. (He has a point there: the Clinton effort at manipulating and discouraging hostile press attention is not unprecedented in scope; the precedent is the Nixon operation.) Two, he said, he didn't accept the argument that the press had only half-heartedly pursued Clinton scandal stories in 1996, and, to prove his point, he would be happy to provide TNR with the results of a "content analysis" of scandal coverage during the election season, which analysis he was at that moment compiling, and which he would presently send over, along with a lengthy letter to the editor, refuting Powers in part and in sum (see Correspondence, page 4).

There you have in microcosm the Clinton school of press management. To announce in one breath that the Senior Adviser to the President for Policy and Strategy is spending a considerable chunk of his Monday morning in an attempt to mathematically refute a not terribly shocking assertion by one columnist in one magazine, and to denounce in the next the very idea that there is anything remarkable about this White House's aggressiveness in press management—why, there's a boldness here that rises to a sort of beauty.

This is the way of the Clinton defenders: never let a shot go unanswered, always assume the posture of moral superiority, retaliate massively and smile while you work. After I got off the phone with Stephanopoulos, I went across the street for lunch and ran into the former Clinton strategist James Carville, whose most recent mission for his old boss is a very New Democratic kind of enterprise, what you might call propaganda by public-private partnership. As everyone within earshot of Carville knows, Carville is waging a campaign of vilification against Whitewater special prosecutor Kenneth Starr, who is nearing the dénouement of his year-long investigations and who has not been dissuaded by previous White House efforts to tar him as a right-wing partisan. Carville is loud and savage on the attack against Starr, and is resolute in his insistence that it is not the prosecutor but the political hatchet man—Carville—who occupies the moral high ground in this fray. He also claims (and White House press secretary Mike McCurry solemnly affirms this is so) to be acting in defiance of the wishes of the White House (RAGIN' CAJUN RUNS AMUCK; PRESIDENT POWERLESS TO STOP BAYOU BERSERKER). Even some in the administration find this last claim a trifle high. As one White House official put it, delicately, "I think James might be a bit more credible if those wishes he is claiming to be acting against were expressed publicly by, say, the president."



When Carville saw me coming into the restaurant, he bore down on me and grabbed me by the arm, parked his grin an inch or so away from my glasses and barked phrases of outrage at me, in the manner of one of the madder and balder minor prophets. "This Starr! Gotdam disgrace! Man's a rabid partisan! Got no business!" and so on. By the way, he added, "That Powers piece! The hell's *that* all about? My God! I'm gonna call you about that later! And let's have lunch!"

Watching Carville walk away, I was struck with a sense of how brutal the job of defending this president has been, and how much it has worn out and worn down those who chose to shoulder the task. Carville, whose unique gift for bullying in the most friendly way was perhaps Clinton's greatest defense asset in 1992, left early, and his new freelance mission has a last-gasp air to it. Stephanopoulos is leaving the White House early next year to take up a position as a visiting professor at Columbia University, and to make money as a talking and writing head. But it's not just Carville and Stephanopoulos; nearly all of Clinton's once-mighty team of defenders has cleared out: Carville's partner Paul Begala, whose specialty was playing the class card against yuppie Ivy League reporters; Mandy Grunwald, who stopped the undoubtedly (mostly) true Gennifer Flowers story from making the jump from the tabloid press to the establishment media by beating up Ted Koppel on his own set; Dee Dee Myers, who faced down the traveling press on questions about Clinton's draft-ducking for days at a time in 1992; lawyers Bernard Nussbaum and William Kennedy; Mark Gearan, whose reputation with reporters for honesty and decency was a great asset; the Bloodworth-Thomasons, video propagandists; Betsey Wright, who was in charge of squelching what she memorably called "bimbo eruptions" in 1992. Deputy chief of staff Harold Ickes, who oversaw much of the damage-control portfolio in the White House, is slated to leave. Mark Fabiani and Jane Sherbourne, the White House lawyers whose aggressive anti-Starr work helped get Clinton through the election year of 1996 mostly unscathed, recently announced they were quitting. Only the truest of the true defenders, counselor Bruce Lindsey, remains. Lindsey cannot leave; he is Clinton's shadow. He is the opposite of Zelig; he is always at Clinton's side, but when the film is developed, he is somehow never in the picture.

There are, among most reporters who cover the issue, two schools of thoughts on the nature of the Clinton defense. One is that the defenders have displayed a talent for making matters worse by covering up what is really not so bad. The other is that they do what they do because they know there is plenty to hide. I'm in the latter school, but I think there is more to it than that. I think it is a matter of learned behavior. What all these smart people learned in 1992 was that the conventional wisdom about political scandal was wrong. The old wisdom held that when something really bad blew up in the candidate's face, the candidate had little choice but to announce his withdrawal for personal reasons. Clinton, facing explosions beyond the nightmares of most politicians, taught his lieutenants that it was possible to brazen anything out. It was a lesson learned well, and it has been practiced faithfully, and Clinton owes people like Stephanopoulos and Carville a lot of thanks. But they all might have been better off if they had learned something else in 1992.

MICHAEL KELLY

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DECEMBER 23, 1996

NOT SPECIAL ENOUGH

Janet Reno's failure to appoint a special prosecutor to look into shady Democratic fund-raising prompted the usual suspects—the editors of *The New York Times*, Rush Limbaugh—to fume that they'd never witnessed such blatant partisan posturing. But actually the plot twist is old. Every two years or so since 1978, when the special prosecutor law was enacted, the actors have neatly assumed their roles. First a loudmouth from the opposition party points a finger at some venal administration official, then writes an indignant letter to the attorney general. The party in power then complains of a political witch-hunt. Sometimes a prosecutor gets appointed to wade through the tangled mess. The poor mope is doomed. Several years and hundreds of pages later, a few minor players get fingered (though rarely convicted), and everyone else is left grumbling.

The drama is getting stale, and worse. Whether Reno should or should not have appointed a prosecutor is really beside the point. No matter what she decided, someone would doubt her motives. That's because, after years of being used as a blunt partisan weapon, the process by which independent prosecutors are appointed has become incurably tainted. Intended to assure the public that even the highest government officials could be investigated for wrongdoing and, if necessary, prosecuted, in a manner free of political influence, the process has instead wound up confirming the cynical view that political motives decide everything.

Both political parties have been guilty in the corruption of the special prosecutor system. Republicans who sneer that Janet Reno is compromised have only themselves to blame. During the Reagan-Bush years, Republicans opposed the special prosecutor law, arguing that it was an unconstitutional infringement on executive power. Only when they lost power did they clamor to revive the law. What they ended up with is the current, mutated version: a pseudo-independent prosecutor, picked by the attorney general and approved by a three-judge panel. Similarly, Democrats griping about Ken Starr should heartily kick themselves (Mr. Carville, you first, please). Less than a year before Starr was appointed, Senate Democrats overwhelmingly voted against changing the procedures for selecting special prosecutors.

The Lippo affair, and its handling by both sides, makes it particularly clear why the need to reform the special prosecutor system has reached a critical point. As the Republican Senator John McCain has argued—and McCain, with his squeaky-clean record on campaign finance reform, is generally credible on this subject—the Lippo affair is serious. McCain thinks it serious enough to demand a special prosecutor. In our view that is not so clear, but it is certainly serious enough that the idea of a special prosecutor cannot be dismissed out of hand. The scandal meets two of the three criteria we think warrant appointment of an independent investigator: (1) It involves high-level officials. In his letter to Reno, McCain places both the president and vice president at the crime scenes—the shady meetings between President Clinton, James Riady and John Huang, followed by Riady's letter urging Clinton to normalize relations with Vietnam; and the fund-raiser at the Hsi Lai Temple that Al Gore attended. (2) It raises a critical public policy issue—the buying and selling of American foreign policy. In short, the affair rises to a level such that the public has a right to expect that it be investigated in a fair, professional, nonpartisan manner. Instead, the opposition party in Congress automatically hollers for justice, the party in the White House automatically denies all wrongdoing whatsoever, and the president's appointee makes the final call. Whether or not Reno did the right thing for the right reasons, nobody can believe that the process that produced her decision was free of political influences. It is time to start from scratch.

In the meantime, we are satisfied to let the attorney general continue as the government official charged with sniffing out Huanggate. If she turns up anything more concrete, she can always appoint a special prosecutor later, an option she left open in her response to McCain. Our inclination to temporize rests on a disinclination to sic a prosecutor on anyone without solid evidence of criminality. This is the third criterion we believe should be met to trigger the appointment of an independent prosecutor. It has not yet been met in the Lippo affair. We suspect any investigator will have a hard time proving a quid pro quo, since American business pressures were pushing Clinton toward normalization with Vietnam anyway, and toward continued trade with China, two of Riady's foreign policy aims. And it will be even harder to prove Gore knew foreign money was being laundered by local Buddhists.

And, in the meantime, if McCain is serious about justice being served, he will make his crusade not merely the prosecution of his political opponents, but the reformation of an essential judicial process that has been subverted by opposition politics. •

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NOTEBOOK

DOWN, BOY: Representative Dan Burton's tenure as head of the House Government Reform and Oversight Committee has gotten off to a predictably rocky start. On November 22, the putatively rehabilitated GOP attack dog was forced to reprimand his top Filegate investigator after it was learned that the aide had tricked the International Relations Committee staff into turning over John Huang's telephone logs (under the pretext that they would be used for Burton's committee investigations of the Clinton administration), then promptly leaked them to the press. Informed by *Roll Call* of his aide's indiscretion, Burton announced that he was "very disappointed" and that the staffer in question would be "chastised severely." Alas, Burton's woodshed ministrations are unlikely to subdue his loose-lipped gumshoe. For the leaker turns out to be none other than David Bossie, the tawdry conservative operative handpicked by Burton to lead the attack on the Clintons' virtue. Though Bossie is only 31, his adventures in the shadier precincts of oppo-research are already the stuff of legend. He apprenticed at the knee of Floyd Brown, the right-wing free lance renowned for his 1988 TV commercials featuring the glowering countenance of Willie Horton. In 1992, President Bush himself repudiated Brown and Bossie's "Presidential Victory Commission," calling their tactics "the kind of sleaze that diminishes the political process." Bush filed an FEC complaint against the group after it produced a TV ad inviting voters to call a "fact line" to hear tape-recorded conversations between Clinton and Gennifer Flowers. He also denounced as "filthy" an effort by the PVC to link then-governor Clinton to the late Susan Coleman, a pregnant woman who had committed suicide in 1977, allegedly following a love affair with Clinton. Reporters had investigated the story and found it to be a hoax; but that didn't deter Brown and Bossie from pestering the dead woman's family and friends with unwanted telephone calls and visits. Susan Coleman's mother and widowed husband told CBS News that Bossie, along with another PVC henchman, had questioned them relentlessly about the circumstances of Susan's death and the contents of her suicide note. According to a 1992 report by CBS News correspondent Eric Engberg, Bossie and ex-police officer Jim Murphy went so far as to track Susan's mother to an Army hospital where her husband was recuperating from a stroke. After the election, Bossie trawled for fresh dirt about the president as Floyd Brown's right-hand man at the newly founded Citizens United, a clearinghouse for the most feverish Clinton-bashing stories. But it wasn't long before Bossie got himself in hot water once again: three years ago, Beverly Bassett Schaffer, a former Arkansas Securities Commissioner, accused Bossie of "stalking" her in his zeal to get the goods on Whitewater. Bossie, according to a January 1996 *Roll Call* story, claimed he was just trying to "track her down." Either way, one thing is clear: Congressman Burton's chief scandal-digger is himself a scandal, an affront to his patron's fervent pledge to "handle the chairmanship with a spirit of civility and bipartisanship." If Burton truly wants his oversight committee to be credible, he should—civilly, of course—remove Bossie from the public payroll.

IN PLAIN SIGHT: Carl Bildt, the official in charge of implementing the Dayton Peace Accords, recently announced that a new plan is needed to arrest war criminals from the former Yugoslavia because the Serbs are simply not turning over the indictees. His bleat is the latest variation on the West's running excuse for its nearly total failure to haul to justice the sixty-seven war criminals indicted by the International Criminal Tribunal for the Former Yugoslavia: nobody knows how to find the bad guys. Well, thanks to George Soros's privately funded Coalition for International Justice, we now know where to track down thirty-seven of the indictees—not a bad start. Dario Kordic, considered by many to be the third most wanted war criminal, is living in his fourth-floor apartment in Zagreb. The Kupreskic brothers, Mirjan and Zoran, and their cousin Vlatko, who have been indicted for killing Muslims in the Lasva Valley, own and operate a grocery store in Vitez. Stevan Todorovic lives in the village of Donja Slatina, a 3-minute, 30-second drive from Camp Colt, the American-staffed NATO base. (But don't try to arrest Todorovic at his home in the evenings because he works the night shift, from 7 p.m. to 7 a.m., at the office of Republika Srpska state security in Bosanski Samac.) When Soros's investigators could not find out where an indictee lived or worked, they did the next best thing: they found out where he drank. Nenad and Predrag Banovic, indicted for crimes against humanity, are frequent patrons of the Express restaurant in Prijedor. Dragan Kondic is a nightly regular at The Pink, a bar also in Prijedor. The Coalition for International Justice will be happy to make a copy of the list available to Mr. Bildt.

BEYOND THE CALL: In the aftermath of the 1994 Northridge, California, earthquake, the Federal Emergency Management Agency went out of its way to help Southern Californians rebuild. As it turns out, it may have gone a little *too* far out of its way. As part of its new "accelerated disaster housing" program, FEMA apparently sent many of its 400,000 checks to homeowners who actually had no damage to repair. Some people received up to $3,450 without ever having asked for assistance, according to a recent report in *The San Diego Union-Tribune*. Questioned about the giveaways two years later, FEMA spokesman Morrie Goodman suggested that they could still be put to good use, perhaps subsidizing "crisis counseling" for the untouched Southern Californians who had to recover from the distressing sight of their neighbors' cracked driveways and drooping decks. Since 1989, when it revised its funding regulations, FEMA's budget and its political potency have both grown exponentially—and California has enjoyed by far the biggest windfall. Gives new meaning to the phrase "welfare state." •

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The new espionage scare.

SPY VS. NO-SPY

By Robert Dreyfuss

It was almost like the old days. On Capitol Hill this February, congressmen and the FBI director outdid each other claiming that enemy spies were threatening the American way of life. Listen to Senator Herbert Kohl hurl thunderbolts: "Even as the cold war ended, our former enemies and our current allies began retooling their intelligence agencies. They have turned their vast spying apparatus on us, on our businesses, on the very ideas and information that keep this country safe." In defense of legislation he sponsored, and which became law in October as the Economic Espionage Act of 1996, Kohl added, "The longer we wait, the more we leave ourselves vulnerable to the ruthless plundering of our country's vital information." The FBI's Louis Freeh, lobbying for the new legislation, warned that at least twenty-three nations, including many allies, are out to get us. And he said that in the past year the number of cases of foreign economic espionage under investigation by the FBI has doubled, to 800. The CIA, for its part, in May put France and Israel atop a list that included Russia, China, Iran and Cuba as countries "extensively engaged in economic espionage."

The problem is, the evidence justifying this cold war-style response is practically nonexistent. There is no reliable data on the scope of state-run economic espionage against the U.S., and the hand-wringers, upon questioning, have trouble disclosing even a few instances. Cited cases—such as the case of Recon Optical, allegedly targeted by Israeli intelligence—often go back more than a decade and almost always involve military-related technology. If you ask the FBI to support its assertions with further examples, even sanitized ones, they decline for security reasons.

At the State Department, many suspect the FBI is exaggerating the threat to win increased funding for the spy-chasers in its national security division. Corporate security chiefs, who, of all people, ought to be concerned about the problem, downplay it. And some on the front lines dismiss it altogether. "It's nonsense," says Frank Dudley Berry, deputy district attorney in the High Technology Unit of the Santa Clara District Attorney's office, deep in Silicon Valley, when asked about economic espionage by foreign spies. "There isn't any. It doesn't exist. We don't have a single case. We don't have a single report which indicates that. It's not that we disagree with the FBI's estimates. I'm talking zero. Nothing. Not so."

A former U.S. intelligence official, now an executive at a major defense contractor, says, "It's sort of like when Joseph McCarthy waved around his list of names, and the numbers kept changing. There is this supposed threat or problem, and there is this supposed list out there, but where is it?" A State Department official also smells McCarthy-style hyperbole, noting that the House un-American Activities Committee "wiped out one-third of the State Department on the assumption that everyone was a spy, because we 'lost China.' Look at us here! We're beginning to suspect foreign students."

That's not hyperbole. A Defense Intelligence Agency official warned in a briefing organized by the National Counterintelligence Center (NACIC) last year of the danger posed by students from China, Japan, Taiwan and India, asking, "Do we want a Pakistani coming to MIT to learn nuclear engineering?"

The FBI's transformation into the guardian of America's non-defense-related secrets began around 1990, as the cold war evaporated. Focusing increasingly on allies and neutrals, the bureau created a new tool for the '90s: the National Security Threat List (NSTL). That document comes in two parts: the first is a classified list of countries that present a threat to America's economic secrets; the second is an unclassified list of technologies thought to be at risk. NSTL's roster of imperiled "critical technologies" takes in a great deal: biotech, medical technology, pollution abatement technology, materials science, manufacturing techniques and software.

Beyond this, the FBI transformed a 1970s-era program, one that formerly worked with defense contractors on protecting classified material, into the new Awareness of National Security Issues and Response (ANSIR). A nationwide network, with ANSIR coordinators in each of the FBI's fifty-six regional field offices, it is, as ANSIR's chief Larry Watson calls it, a "neighborhood watch." ANSIR's job is to reach out to American industry and warn it about the threat posed by foreign economic spies. It has already contacted more than 40,000 businesses. One example: an FBI letter sent to hundreds of biotechnology companies in the San Francisco Bay area announced: "The FBI has determined that foreign powers are successfully targeting the U.S. biotechnology sector." And in addition to briefing industry on the threat—both in person and in a series of regional conferences—the FBI is asking companies to report instances of suspicious behavior.

Moreover, under the FBI's rules on counterintelligence investigations, the bureau can open a case of suspected "economic espionage" on little more than a hunch, with far less hard evidence than is required in a plain old criminal case. And once a case is opened, the bureau has far more leeway in the pursuit of evidence than is the norm. The Economic Espionage Act, which makes theft of intellectual property a federal crime, allows the FBI to turn loose all its counterspy surveillance techniques, including wiretaps and electronic eavesdropping. And the act makes no distinctions whatsoever between economic espionage that affects the national interest and that which does not. Under the

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new law, *all* U.S. economic secrets—even, say, McDonalds' plans for opening franchises overseas—are related to national security. In sum, the law gives the FBI not only a cold war reason for being, but a reason for using once again the formidable methods of the cold war.

The nerve center for the federal government's effort to provide counterintelligence is the NACIC, an interagency group housed at CIA headquarters and headed by an FBI agent. It was established in the aftermath of the Aldrich Ames spy case to ensure better cooperation between the CIA and FBI, but it quickly evolved into the central clearinghouse for the new economic counterspy program. As it functions routinely, the FBI's economic counterintelligence unit feeds data to the National Counterintelligence Center, which coordinates parallel work at the CIA, the military intelligence agencies, the National Security Agency and the Departments of State and Energy. Describing "private industry" as one of its "principal customers," NACIC says it "has responded to limited taskings from U.S. corporations for threat information, and will seek to make this service more available in the future." In other words, NACIC takes assignments from companies.

NACIC provides most of the data to support the allegation that foreign economic spies are swarming among us. Yet the surveys released so far, by NACIC and by the private American Society for Industrial Security (ASIS), prove nothing of the kind. The NACIC survey was based on a questionnaire sent to 1,400 corporate security managers, of whom only 173 (12 percent) bothered to reply. It found that seventy-four companies "reported suspected targeting of their companies in 1994," but only twelve even suspected the involvement of foreign governments in the thefts, "suggesting that the remainder stemmed from industrial theft and other illicit activities." Similarly, an oft-quoted ASIS survey published this year turned up 700 incidents during 1993-1995, yet only twelve were thought to be related to foreign governments.

Asked how the center knows foreign governments are actively attempting to steal U.S. technology and trade secrets, NACIC's Stephen F. Argubright says, "I would say it's primarily through the surveys." Yet Richard Heffernan, author of the ASIS survey, readily admits that the accumulated evidence shows that the bulk of industrial espionage is simply internecine warfare among corporate competitors, most of which pits one American firm against an unscrupulous rival.

No one in government disputes the idea that *some* governments are attempting to acquire U.S. technology illegally. The Chinese seem particularly eager to do so, as a 1994 book, *Chinese Intelligence Operations*, by Nicholas Eftimiades, points out. And there are boastful, on-the-record assertions—perhaps fanciful—from former French inteligence chieftains that they, too, were up to such intrigue. That, however, is about it.

Beyond the fact that the evidence does not seem to support fears of a national emergency of economic espionage (and without an emergency, cold war-level assaults on civil liberties are unjustified), there is a problem with the new law's boomerang effect. When the FBI bizarrely chose to arrest a former KGB officer in the United States recently, the CIA and State Department raised alarms that the Russians would retaliate by picking up prosperous ex-CIA officers in Moscow, where they are busily exporting capitalism; the KGB veteran was released by a chastened FBI. But defining broad areas of civilian R&D as "critical technologies" important to national security might lead to abuses if the FBI starts following around Japanese businessmen, Indian software programmers and Israeli exchange students. "One of the scarier aspects of it is if foreign governments begin to mimic what we're doing," says a State Department official. That would mean American diplomats, businessmen and reporters "getting slam-dunked with an espionage charge" for pursuing open and unclassified technology in other countries.

Finally, there is FBI Director Louis Freeh's strange charge, levied in Senate testimony earlier this year, that unnamed, senior retired U.S. officials were acting as foreign spies. The charge, of course, evoked memories of McCarthy, but there is one critical difference, and it is in McCarthy's favor. The Wisconsin senator may have been a demagogue and a drunk, but there were indeed foreign spies in the State Department in the 1950s. For his part, Freeh disclosed no evidence whatsoever. He said foreign countries hire "former high-ranking U.S. officials" who "exploit their connections and contract relationships to gain access to other high-level officials who are currently holding positions of authority through whom they attempt to further illegally acquire protected information." How does he know? He has a list.

ROBERT DREYFUSS is a freelance journalist in Alexandria, Virginia.

BELGRADE POSTCARD

THE EGG MEN

By Anna Husarska

As we stood in front of the Serbian Parliament building, under an insistent drizzle, my friend Kosta got more and more irritated. He had forgotten to bring his umbrella to the demonstration and his cigarette was damp. Besides, there was the future of his country to worry about.

Earlier that day, November 20, Belgrade's independent radio station B-92—which Serbian authorities have since punished by shutting down entirely—had reported some startling news: the leaders of the three main parties in the opposition coalition *Zajedno*

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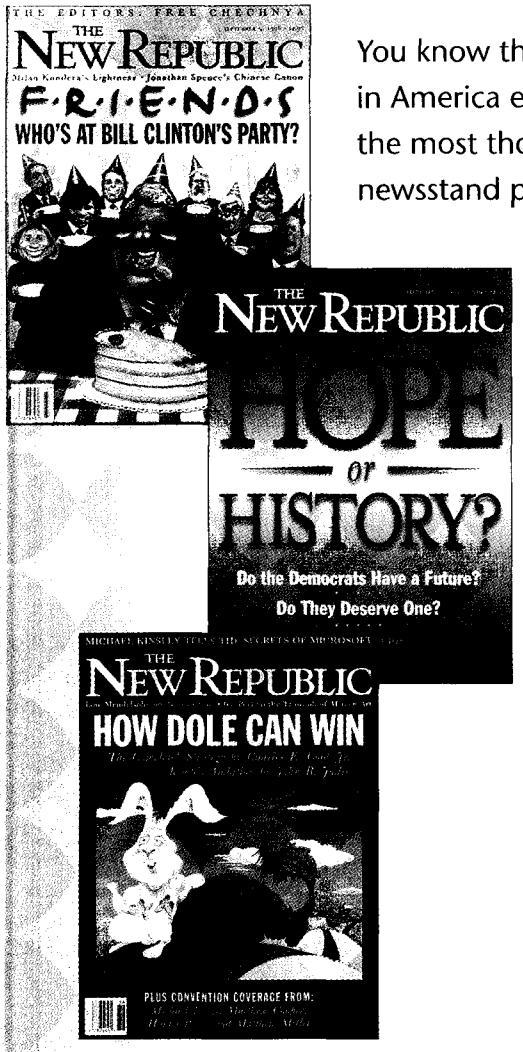

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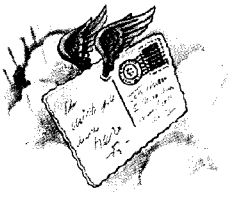
(Together) were waging a hunger strike inside the Parliament building. They were protesting the fact that Serbian President Slobodan Milosevic's party had annulled the results of the November 17 municipal elections in most of the fifteen cities where *Zajedno* had won. Following a simple campaign formula—"repeat the voting until we win"—the Milosevic regime had simply scheduled new elections.

"C'mon, let's go and be counted, it has to begin one day," Kosta insisted. But he was skeptical. "With this rain," he sighed, "only a handful of die-hards will show up." Little did he know: the bad weather continued but so did the demonstrations, growing from roughly 2,000 people on that first day to a remarkable 100,000 two weeks later. Even if Milosevic manages to suffocate this movement—by gagging the media, sending in the tanks or both—November 1996 will be for many Serbians synonymous with "honor recovered."

To the rest of the world, the timing of the protests might seem puzzling. After all, Western officials have been speaking so respectfully of Milosevic—whom they hail as the enforcer and guarantor of the Dayton Peace Agreement—that it is easy to imagine his own people tiptoeing around him just as gingerly. The former American diplomat Robert Frowick, head of the Bosnian office of the Organization for Security and Cooperation in Europe, memorably captured this deferential tone. After Serbian authorities committed bald-faced electoral fraud in this September's Bosnian elections, herding tens of thousands of voters from rump Yugoslavia (Serbia and Montenegro) to the Bosnian Serb entity and forcing them to vote, Frowick thanked Serbia "for having contributed so brilliantly to this historically unique event." And it certainly looked good for Milosevic in the West when the U.N. Security Council lifted sanctions against rump Yugoslavia, though the conditions for this—free and fair elections in Bosnia—had not been fulfilled. Instead of rotting in some prison cell in the Hague for his role in two wars of aggression, the Serbian president seemed to be prospering with the good graces of the West.



At home, though, it's a different story for Milosevic. What we are now seeing in the streets of Belgrade is not just a spasm of discontent with the government's latest machinations. It appears to be something more on the order of an awakening, a spontaneous, powerful expression of revulsion against the Milosevic regime and the image of Serbia it projects to the world. The trigger for the current wave of demonstrations was the annulment of the municipal election results, but the more general reason was an accumulation of wrath at the authorities, particularly among Serbian intellectuals. That wrath has several elements: opposition to communism, weariness of war-mongering nationalism and, most importantly, an acute sense of shame at having been turned into international pariahs. The discontent was there all the time—latent, shared in living rooms and uttered through clenched teeth, but not shouted out, not acted out. When the war was still on, announcing yourself as anti-Milosevic meant opening yourself to the charge of being anti-Serb. Now that stigma is mostly gone.

Still, all that discontent had nowhere to go until *Zajedno* emerged last fall and gave voice to it. The coalition consists of five groups, of which three really count. The Serbian Renewal Movement (SPO) is led by Vuk Draskovic, a flamboyant writer and hardline nationalist known as the Rasputin of Serbia. The Democratic Party (DS) is headed by Zoran Djindjic, an opportunist in the Milosevic mold, who has embraced the indicted war criminal Radovan Karadzic. Draskovic and Djindjic have adopted the democratic mantle mainly because it was hanging there, ignored by Milosevic. The third group is the Civic Alliance of Serbia (GSS) led by Vesna Pesic. Unlike her two male colleagues, Ms. Pesic, a peace activist who organized candlelight vigils during the Serbo-Croat war, can take credit for having been brave when few others were.

So ill-assorted is *Zajedno*'s leadership that it couldn't even agree on what to do about the new elections Milosevic scheduled. Some called for a boycott; others wanted a massive turnout to reconfirm the support they'd gotten in the first polling. With this loose, not to say motley, a coalition leading the charge, it's hard to assess the opposition's long-term prospects.

In the old days Milosevic could have used such manifest disunity to discredit his opponents. Not anymore. The new opposition movement is too compelling for Serbians—mainly because it has offered them a chance to recoup their dignity. The slogans shouted under the rain in front of the Parliament building made this point nicely: "IT STARTED, IT STARTED!" and "SERBIA FINALLY AWOKE!"

Some of the opposition slogans, though equally heartfelt, are a little more down to earth. In the nearly daily street demonstrations in Belgrade over the last two weeks, protesters have been tossing a lot of eggs at various targets. In Serbian "*jaja*" means eggs and in Belgrade slang "*jajare*" means little thief—a reference to the stolen municipal elections. But there is more to it than that when Vuk Draskovic announces, "We agreed to pound them with *jaja* and to beat them with *jaja*." (Hint: *jaja* also means balls in Serbian. Nobody ever said Belgrade humor was subtle.) Already, this Protest '96 has been dubbed the yellow—or egg—revolution.

Kosta says it feels great to shout at a president who humiliated and discredited his own people for some five years. He is particularly fond of the slogan "Mars, Slobo, Mars"—a chant to propel Milosevic out there where NASA plans to go. My favorite banner from the streets of Belgrade is a play on the Serb word for "freedom": "*SLOBODA* IS SPELLED WITHOUT AN 'N'."

The demonstrators' greatest ire is directed against the Milosevic-controlled media; the first eggs and bags of paint they hurled were at the offices of the daily newspaper *Politika*, the government's mouthpiece, and at the government-run TV station. State media

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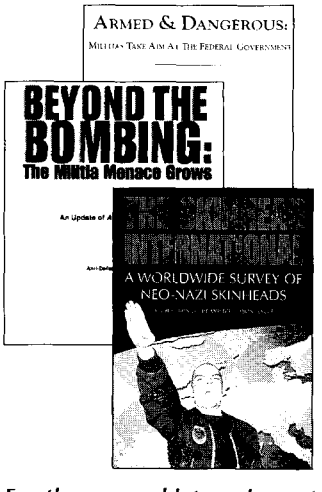

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responded accordingly and labeled the demonstrators "insignificant groups of vandals," instantly transporting us back to the Jurassic theme park of communist propaganda. On the second day of civil unrest, *Politika* resorted to another hoary strategy: the paper ignored the demonstrations altogether and went with the headline "FRUITFUL AUTUMN IN SERBIA, FIELD WORK SUCCESSFULLY COMPLETED."

Milosevic knows that muffling the opposition press is crucial for his survival. On the same day that *Politika* ran its bucolic headline, the independent newspaper *Nasa Borba* announced that the country was "on the verge of civil conflict." Such truth-telling is the last thing Milosevic needs right now. In the last year, he has successfully put out of business one independent television station (Studio B) and taken over one newspaper (*Borba*). But as of last Tuesday, he still had to contend with *Nasa Borba*, the newspaper founded last year by dissident journalists from *Borba* and, even more annoyingly, with two radio stations, B-92 and Radio Index, which insisted on covering the news. For two weeks, Milosevic had relied on the good old practice of jamming the broadcasts. Then, on December 3, he simply closed down B-92 and jammed to death Radio Index. But can anything effectively silence the sound of 100,000 people booing for twelve solid minutes when they hear the name of their president?

Though Milosevic has chosen to ignore this wave of discontent, two weeks of uninterrupted demonstrations, in rain and even snow, have given the opposition a clear moral victory. Students in Belgrade decided to stage parallel protests with identical demands. *Zajedno* has received pledges of support from politicians in Montenegro, from members of the Yugoslav armed forces and from the police, from judges and from academicians. The big question is whether the opposition will manage to attract the workers and organize a general strike this week; until now blue-collar types have not turned out for the demonstrations in any significant numbers.

The other unknown is the attitude of the West, most importantly of the United States. How far will it go to accommodate Milosevic? For almost two weeks after the protests started, the Clinton administration kept an embarrassing silence, as if it, too, regarded the Serbian harvest as the big story. Then, on Monday, State Department spokesman Nicholas Burns, asked about reimposing sanctions, replied that "that question is a live possibility for us." If they are serious about wanting to help the opposition—which, despite the questionable pedigrees of its leadership, is certainly better than the alternative—the outside world and especially the United States will have to take a firmer stance than that. As they put it on the streets of Belgrade, what is needed is less coddling and more *jaja.* •

Editor's Note: Anna Husarska was in Yugoslavia as a political analyst for the International Crisis Group.

Harry Blackmun v. CCRI.

STARE INDECISIS

By Jeffrey Rosen

On November 27, three weeks after the citizens of California ratified the California Civil Rights Initiative, Judge Thelton Henderson of the U.S. District Court in San Francisco enjoined Governor Pete Wilson from enforcing it. Invoking a Supreme Court decision from 1982, *Washington* v. *Seattle School District No. 1*, Henderson concluded that there is a "strong probability" that CCRI is unconstitutional, because it denies racial minorities "the right to full participation in the political life of the community." Although Henderson's reading of the 1982 case isn't entirely implausible, the Supreme Court is unlikely to strike down CCRI if and when it finally hears the case. A closer look at the intricacies of the *Seattle* case may help to suggest why the current justices are unlikely to agree that the Constitution prohibits the citizens of California from forbidding their state to discriminate, or grant preferences, on the basis of race or gender.

No one quite has the nerve to claim in public that the federal Constitution *requires* states to adopt race or gender preferences. The argument is a little subtler: although states are ordinarily free to repeal programs that they don't have an obligation to pass in the first place, the Supreme Court, in the early 1980s, suggested that certain *kinds* of repeals are constitutionally problematic. In the 1982 case, the citizens of Washington state were angry at a Seattle school board for mandating racial busing. They passed an initiative that forbade busing for the purpose of racial integration, while permitting it for nonracial reasons.

The Supreme Court, in a 5-4 decision written by Justice Harry Blackmun, struck down the initiative. Although Blackmun acknowledged that African Americans disagreed about the wisdom of busing, he argued that a program that "at bottom inures primarily to the benefit of the minority, and is designed for that purpose" couldn't be removed from the ordinary legislative arena to popular initiative level, where minorities may find it harder to compete. "It would be equally questionable," Blackmun said, "for a community to require that laws or ordinances 'designed to ameliorate race relations or to protect racial minorities' be confirmed by popular vote of the electorate as a whole, while comparable legislation is exempted from a similar procedure."

The *Seattle* case, if it were decided today, would probably come out the other way. Of the five-member

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Where We Stand

By Albert Shanker, President
American Federation of Teachers

A Commonsense Approach

Several weeks ago, the Third International Mathematics and Science Study (TIMSS) released its eagerly awaited results for eighth-grade students in 41 nations. TIMSS is important for a number of reasons. It tested more students than any comparable study—over half a million randomly selected youngsters. And because it ironed out the technical problems that led to questions about earlier international comparisons, we can have real confidence in its findings.

What do TIMSS test scores say about the math and science achievement of U.S. eighth graders? We are not at the bottom. In fact, we are in the middle of the pack—a little below the average in math and a little above in science. This puts us pretty much on a par with many of our major trading partners—Germany, England, and Canada, for example. That is *good* news. The bad news is that we are not on top—with Singapore, Korea, Japan, the Czech Republic, and Hungary—which is where we have to be.

How do we get there? TIMSS provides some important signposts. Researchers not only tested students; they also compared curriculums and textbooks from all 41 countries; they questioned students, teachers, and administrators about attitudes, practices, and policies; and they carried out classroom observations and videotaped and analyzed math lessons in Japan, Germany, and the U.S. The first installment of TIMSS provides a kind of window into what goes on in eighth-grade math and science classrooms throughout the developed world. When the reports on fourth and twelfth grades come out, we will have a fuller picture, but much is already clear.

TIMSS calls into question a number of fashionable explanations and remedies for mediocre student achievement. For one thing, we are not going to raise student achievement by instituting a longer school day or school year: TIMSS tells us that U.S. students already spend more time in class than German or Japanese students. Nor will it help to give our students more homework or somehow induce them to turn off the TV. TIMSS shows that American students get more homework than Japanese students and watch no more television than they do. Some obvious solutions we've heard about turn out not to be so obvious after all.

However, TIMSS is unequivocal about what the school systems of successful nations share—and it is not vouchers or charter schools or any of the other jazzy schemes that we are being urged to try. Nearly all of these nations have clear and rigorous national or state curriculum standards, and everything they do in the schools is hitched to these standards. We do not have such standards.

The report calls into question a number of fashionable remedies for mediocre student achievement.

When TIMSS researchers analyzed U.S. textbook and curriculum samples, they found that what our students are taught in math and science is fragmented and unfocused. This should be no surprise given the fact that our national system still consists of 15,000 school districts, each making its own decisions about curriculum. Textbooks in standards-based systems focus on what the standards say that students must know. Here, where textbook publishers want to accommodate as many different school curriculums as possible, we have textbooks crammed with topics, nearly all treated in a superficial way. Since districts rely on these textbooks, it is no wonder that the curriculum is, as TIMSS says, "a mile wide and an inch deep."

Another critical difference between high-performing systems and ours is that their standards involve incentives for working hard in school—and consequences for failing to. Students in these systems understand that success in school—and on rigorous gateway exams—will be important to their future. In Japan, for example, students who have been educated together through eighth grade take a tough exam that decides what high school they will go to, and this, in turn, influences what college they will get into. In the U.S., there are no such stakes connected with academic achievement. So except for students who hope to enter a selective college, there is no reason to work hard. Are these differences related to the high achievement of Japanese students on TIMSS and the average achievement of ours? There is no question about it.

We have made some progress in bringing standards and stakes for students to this country, but supporters face an uphill battle. In the meantime, "innovative" solutions to our school problems grab media and political attention—vouchers, charter schools, private management of public schools (remember EAI?). They often grab the funding, too. TIMSS demonstrates once again that the answer is not one of these new or sexy or headline-making proposals. High standards of achievement with stakes attached are an old-fashioned, commonsense approach that is not the stuff of slogans. But it works in other successful school systems, and it can work here.

The TIMSS report, "Pursuing Excellence," is available for downloading (http://www.ed.gov/NCES/timss).

Mr. Shanker's comments appear under the auspices of the American Federation of Teachers. Reader correspondence is invited. Address Mr. Shanker at AFT, 555 New Jersey Ave., N.W., Washington, D.C. 20001. © 1996 by Albert Shanker. Visit the AFT web site (http://www.aft.org).

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majority, only Justice Stevens remains on the Court; and Justices O'Connor and Rehnquist dissented. Nevertheless, lower-court judges are required to apply the law, rather than to anticipate it; and in a plausible argument that Judge Henderson has tentatively endorsed, Vikram Amar of the University of California at Davis and Evan Caminker of UCLA suggest that, in light of Blackmun's logic, the California Civil Rights Initiative cannot stand. Henderson wrote in his Temporary Restraining Order that, in the wake of CCRI's ratification, proponents of race and gender preferences must now ask the citizens of California to amend the state constitution, while proponents of preferences on other grounds "continue to have access to the political process at all levels." Because California's political mechanisms have been "modified to place effective decision-making authority over a racial issue at a different level of government," Henderson concluded, CCRI is probably unconstitutional.

Henderson's reading of the *Seattle* case, although hardly absurd, is open to question on several levels. It seems odd, first of all, to suggest that the California Civil Rights Initiative, an antidiscrimination amendment that seeks to make race and gender irrelevant in the assignment of public benefits, is, in fact, a racial classification that favors one racial group over another. In the *Seattle* case itself, when Justice Powell anxiously suggested in dissent that Justice Blackmun's logic would prevent the state legislature, for example, from repealing a controversial affirmative action plan adopted by a state law school, Blackmun dismissed Powell's fears. "The horribles paraded by the dissent—which have nothing to do with the ability of minorities to participate in the process of self-government—are entirely unrelated to this case."

Does CCRI impede "the ability of minorities to participate in self-government" more than a ban on racial busing does? Blackmun's conception of "political participation" is so opaque that it's hard to say. According to Judge Henderson, the relevant question doesn't have anything to do with formal barriers to political participation; instead, Henderson writes, "The relevant question is whether, in reality, the burden imposed by a law necessarily falls on minorities and women." But *this* question—whether a ban on affirmative action is good or bad for minorities—is itself the passionately contested policy question the voters of California thought they had settled at the polls. Some minority voters, such as Asian Americans, opposed CCRI by a relatively narrow margin of 56 to 44, perhaps because, in a color-blind regime, the percentage of Asian Americans at U.C. Berkeley would increase more dramatically than the percentage of whites. Other minority voters, such as African Americans, opposed CCRI by a larger but hardly unanimous margin of 73 percent to 27 percent. White women, for their part, supported CCRI by margins similar to white men: 58 percent to 42 percent. It would be the height of arrogance for a federal judge, under the guise of protecting "political participation," to constitutionalize the policy judgment that the citizens of California rejected: namely, that affirmative action is good for women and minorities.

The presumption that a racial preference "inures primarily to the benefit of the minority," to use Blackmun's clunky phrase, is also much harder to sustain in light of the color-blind revolution that the Supreme Court embraced during the 1990s. In 1995, the Court emphasized that purportedly benign affirmative action programs, designed to help minorities, deserve the same degree of judicial skepticism as malignant racial discrimination. In light of the Court's recent warnings that affirmative action programs can "foster harmful and divisive stereotypes," and can promote racial balkanization, it seems improbable that the current justices would hold, as a constitutional matter, that racial preferences represent, for minorities, an unambiguous good.

The final reason the current Supreme Court is unlikely to endorse Blackmun's amorphous right of "political participation" is that, the more you think about it, the more the theory unmasks itself as an argument against plebiscitary democracy itself. Remember that in the landmark gay rights case, *Romer* v. *Evans*, the Colorado Supreme Court had initially struck down the state's anti-gay-rights amendment as violating the "fundamental right to political participation" of gay voters. But the able lawyers for the plaintiffs, who realized the theory was a loser, urged the U.S. Supreme Court to affirm the decision on more convincing grounds; they recognized that the history of state constitutionalism is full of examples of popular initiatives designed by some groups (such as farmers) to stop other groups (railroads, plutocrats, creditors) from enacting their legislative programs. If taken seriously, Blackmun's conclusion—that "no state" may "disadvantage any particular group by making it more difficult to enact legislation in its behalf"—would invalidate much of the legacy of the Progressive movement, including the initiative process itself.

Like dinner guests that have overstayed their welcome, unconvincing Supreme Court opinions tend to linger long after their shortcomings have been exposed. The citizens of California will have to wait for several years, therefore, before the sensible successors of Harry Blackmun assure them they have a power that few would have thought to gainsay: namely, to forbid their state from discriminating on the basis of race or gender. In the meantime, President Clinton faces a decision of some moment: Does he, or does he not, believe that race and gender neutrality is itself unconstitutional? On the day Deval Patrick announced his resignation as assistant attorney general for civil rights, he said he was encouraged by lawsuits filed to test the constitutionality of CCRI. Does President Clinton share this distressing view? Will Patrick's successor take a different position? It's hard to imagine a more revealing test of the president's constitutional vision as he begins his second term. •

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OFF BASE

By Sebastian Mallaby

It looks like an elegant piece of post-cold war housekeeping. Defense Secretary William Perry shows up in Japan and acknowledges that an alliance created to contain communism is in need of updating. He generously announces the closure of an American airbase on Okinawa, Japan's southernmost island, thus liberating the locals from earsplitting helicopter noise. His Japanese hosts demonstrate their gratitude by promising $2 billion for an ingenious replacement airbase: a mile-long artificial island that will perch off Okinawa's shoreline. Yes, this is a model for defense policy in the 1990s: modernize old alliances, hand civilians a peace dividend and deploy magical technology to maintain American power.

If only. The truth is that America's Japan policy over the past four years has been a mess, and the unfortunate defense secretary is engaged in crisis management. The Clinton administration does not close multimillion-dollar airbases out of the goodness of its heart. Over the past year or so, Okinawans have staged huge demonstrations against the American presence on their island; Okinawa's governor, Masahide Ota, has declared that all American troops should leave; nine out of ten Okinawan voters have backed a proposal to reduce the American presence. Moreover, there is no guarantee that Perry's crisis management will work. His peace dividend may whet appetites for more. His artificial airbase may prove decidedly unmagical. Indeed, it has already been met with a barrage of complaints—it will damage the environment, it will disrupt the local fishing industry. Worst of all, its construction will ensure that, for the foreseeable future, Okinawa is going to be saddled with an American presence that noisy activists would rather be rid of.

Unfortunately, Okinawa matters. It hosts 28,000 American troops, and these forces make up a good part of America's rapid-deployment force in Asia and beyond. During the Gulf war, the first American troops to arrive on the scene were flown in from Okinawa. When Clinton bombed Iraq in September this year, aircraft from Okinawa refueled the B-52s on the way to their targets. In any future Asian crisis, unfolding anywhere between Japan and the oil states, the Okinawa bases will again be crucial.

Moreover, America has no good alternative to fall back on. In 1992 its troops were booted out of Subic Bay by nationalist Filipinos. It still maintains a force of 36,000 in South Korea, but this is pinned down by the constant threat of attack from the North. There is a 7,000-strong force in Guam, but that island's governor has recently shown signs of copying Okinawa's base-baiting politics. The 15,600 military personnel on Japan's larger islands are useful, but local resentment has caused this contingent to dwindle over the years as well, and everyone expects the dwindling to continue. No other Asian country is willing to play host to large numbers of American troops. Singapore has 150 on its soil, Thailand bravely hosts 100. Australia recently offered to give the Marines a home, but it is miles away. Besides, Australia has no intention of coughing up the vast sums in host-nation support that Japanese taxpayers contribute to America's armed forces.

Lacking alternative bases, America depends on Okinawa for its ability to police Asia, a region that accounts for three-fifths of the world's people and much of its economic dynamism. If all goes well in this chunk of the world, more and more American companies will invest in Asia; more Americans will work for subsidiaries of Asian firms; more American retirement plans will hold stakes in Asian stockmarkets. But—and this is too often ignored—all may not go well. Nuclear or near-nuclear dictators lurk in China and North Korea. Historical hatreds divide India from Pakistan, Vietnam from China, Japan from Korea. Indonesia and China are in the grip of aging dictators whose demise could unleash bloody instability. The whole region is engaged in an arms race. Only this week, America had to chastise its own allies in South Korea for allegedly building cruise missiles in violation of its treaty promises.

In short, the stakes are high in Asia. Any short-list of America's priorities after the cold war has to include nurturing the Japanese alliance to underpin regional security. And yet Bill Clinton spent his first three years in office neglecting that alliance, preferring to concentrate on opening Japan's markets. The Clintonites presented this as an enlightened new idea: with the cold war over, foreign policy could escape its old obsession

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with containing military threats and do more to promote America's economic interests. This approach has turned out to be a dreadful mistake. Indeed, Clinton's Japan policy is a case study in the confused priorities that have dogged America's post-cold war diplomacy.

Anyone who lived in Japan during Clinton's first three years got a pretty sour view of relations with America. The vast majority of headlines involving the United States were about trade wars. Faithful to his promise in the 1992 campaign, Clinton demanded access to Japan's market for cars, glass, insurance and so on; moreover, he insisted on numerical targets for foreigners' share of each sector. The Japanese objected that, in order to ensure that these targets were met, bureaucrats would have to direct the purchasing decisions of consumers and firms; and, since America had long urged Japan to curb bureaucratic meddling of this sort, Clinton's demand was hypocritical.

Trade wars became the prism through which Japanese viewed American behavior. America came to be seen as an imperialist bully, cloaking commercial self-interest in the rhetoric of free trade. America's criticism of Singapore's sham democracy and of China's human-rights abuses were seen in the same light. In Tokyo an "Asia faction" rose up among the policy elites, arguing that Japan should make common cause with its neighbors against the bullying West. In the foreign ministry, Kazuo Ogura made his name attacking America for its failure to listen to Asian views. He became ambassador to Vietnam, where he urged the Vietnamese to imitate Japan's brand of development rather than the freer capitalism advocated by the American-led World Bank; he was then swiftly promoted to a plum post in Tokyo. In the finance ministry, Eisuke Sakakibara argued that the Japanese should stop trying to imitate America and take pride in their Asian heritage; he was promoted to the top job in the ministry's international bureau. In the trade ministry, officials took great pleasure in subverting the American vision for the Asia-Pacific Economic Cooperation: instead of becoming a tool for opening Asian markets to American goods, APEC has become a woolly talk shop.

A poll taken by the Tokyo Broadcasting System in June 1995 found that 39 percent of Japanese felt friendly toward America; ten years earlier the same poll had found that 73 percent felt friendly. This rising anti-Americanism exploded in September 1995, when three servicemen raped a school girl in Okinawa. Ugliness of this sort is hard to avoid when large numbers of troops are sent unaccompanied to a small place; indeed there had been several such crimes in Okinawa before, and none had produced serious Japanese reactions. But this time U.S.-Japan relations were so dire that the rape triggered Japan's biggest demonstration since the 1960s. In Tokyo the American Embassy turned to its usual establishment friends, expecting to be defended. But America had used up so much goodwill in the trade wars that no defense was forthcoming. In November, with insensitivity that made even America's critics gasp, Clinton affronted the Japanese by calling off his trip and sending Gore in his place to the Asia-Pacific summit in Osaka.

A few officials in the Clinton administration admit that, at about this point, they panicked. Ever since the end of the cold war, they had preached that America had to stop letting its foreign policy be dictated by crises in places like Somalia; instead, it had to identify its strategic interests and defend them consistently. Yet, by late 1995, the president had come close to undermining America's basic security interest in Asia.

Clinton finally saw this, and has spent the ensuing months repairing the damage. He went to Japan in April of this year, and his agenda was conspicuously free of trade quarrels. Instead, he reaffirmed the military alliance and let it be known that America was working on a plan to give up the Okinawa airbase. This week's Perry trip delivered on that promise, as well as offering various other goodies to soothe Okinawan resentment. Parachute drops will be moved so fewer airmen land in backyards; noise barriers will be built around some bases. The Japanese have woken up as well. Since the rape, Japan's defense experts have been forced to contemplate life without the American shield. They have resolved to do all that they can to keep the Americans on their territory.

It would be nice to end the story here: young president messes up, realizes mistake, fixes it. But the real ending is less comforting. The anti-Americanism stoked by Clinton's trade wars will take years to subside. Though Japan's defense establishment wants to provide $2 billion to build the Americans an airbase on the sea, Japanese taxpayers may think that sounds a bit expensive. In October the leader of a promising new political group, the Democratic Party, declared he wanted American troops to leave Japan. Even Japanese who want to sustain the American alliance believe that, to placate popular resentment of American troops, their numbers will have to be cut in dribs and drabs for the foreseeable future.

No artificial island or tactful parachute drops can address the unspoken weakness of the Japanese alliance—it is a relic not just of the cold war but of the conflict before it. The alliance was conceived after World War II, when Douglas MacArthur ruled Japan and likened the country to a child in need of fatherly protection. America promised to safeguard Japan; in return, Japan promised to allow American troops on its territory. Many Japanese remain delighted with this arrangement, which keeps them safe at no risk to their own boys. But a growing minority argues that the alliance is an insult to Japan's national pride; and that, since Japanese taxpayers are footing the bill for American troops, they might as well spend the money on their own army.

These resentments do not have to undermine the U.S.-Japan alliance. The treaty can be revised; the Japanese public can be persuaded. But Clinton's track record is not reassuring. During his first term, the president's feelings toward Asia flipped from enthusiastic talk of economic opportunity (1993), to

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muted talk about it (1994), to almost complete neglect of the region (1995). He started out emphasizing Chinese human rights and Japanese trade; both of these have been abandoned. But, as the president's attention waxes and wanes, Asia's potential and danger remains constant. If the U.S.-Japan alliance holds firm, America can look forward to sharing in the region's miraculous growth. If it decays, Japan may go nuclear to protect itself from the nuclear Chinese; South Korea and Taiwan will follow suit; pretty soon the whole region will be nuclear and nervous. Having pulled off the most remarkable economic advance witnessed by mankind, Asia could perform its nastiest reversal. •

The Lebed love-fest.

HONORED TO MEET YOU, SIR

By Carroll R. Bogert

Even before he came to America in late November, Aleksandr Lebed had won a sneaking sympathy in the foreign policy establishment. Left-leaning Sovietologists were fond of the Russian general for two reasons. He opposed the hated Boris Yeltsin, who had toppled Mikhail Gorbachev, the Good Socialist. And he had brought social inequality and capitalist oppression to Russia, a place where gangsters get better treatment than the intellectuals whom the Western left had championed and befriended.

Right-leaning Sovietologists couldn't give a pierogi for Russian intellectuals, who have outlived their usefulness as critics of communism. But they didn't like Yeltsin either, because they think he hasn't gone far enough in introducing capitalism to Russia. Yeltsin's war in Chechnya has also reaffirmed the conservative view that Russia is aggressive by nature. While Lebed's views on economics are muddled, his record on Chechnya couldn't be more clear: he stopped the war. Besides, there is among rightward Russian watchers a certain nostalgia when it comes to having a tough guy in the Kremlin. Conservatives like to know whom they're dealing with, and they like dealing with someone who resembles the devil they know. Plus, conservatives like order; so does Lebed.

So, in some circles at least, there was a natural receptivity to the idea of Lebed even before the reality of Lebed. Still, in his tour of the establishment the Russian general faced what are supposed to be some pretty tough interlocutors—in New York and Washington, he met with senators, newspaper editorialists, big businessmen, members of the Council on Foreign Relations, leaders of the American Jewish community, assorted think-tankers and diplomats. One might have expected some rough treatment. There was the matter of his reported anti-Semitism, and he was, after all, practically a cartoon of authoritarianism, the jackbooted general gone into populist politics.

But that didn't happen. At venue after venue, Lebed got a couple of pretty tough questions, a spate of softballs and then a collective sigh of relief: he's not nearly as bad as the press made him out to be. "People came in skeptical, and they came away charmed," said Angela Stent, a Georgetown University professor who observed Lebed's appearance before an overflow crowd at the Council on Foreign Relations in Washington. "He clearly has the poise and demeanor of a political leader," said Indiana Senator Richard Lugar, who met privately with Lebed. "Those who have characterized him in any other way have probably missed the boat." There were some in the audiences that Lebed wooed who found his stony mien and habit of dropping untranslatable Russian aphorisms into his speech a little off-putting, but these doubters seemed to be in the minority. By the end of his whirlwind tour, the Russian general had successfully made the transformation from alarming foreign extremist to genial luncheon guest.

The general's success was in keeping with a venerable tradition. The American foreign policy establishment, as a rule, operates according to what you might call the Honored-to-Meet-You Syndrome. No matter how dubious the foreigner, when he comes here, the gentlemen and ladies of the op-ed pages are always, always, happy to break bread with him. That is, if he knows the rules of etiquette. There are only two rules, and Lebed seemed to grasp them both.

Flatter them. Whenever anyone asked him why he was visiting the United States, Lebed gave the same one-word answer, "*uchitsya*," "to learn." It was a clever response for a Russian general with a scary reputation. *Uchitsya*, rolling out of Lebed's mouth in his trademark

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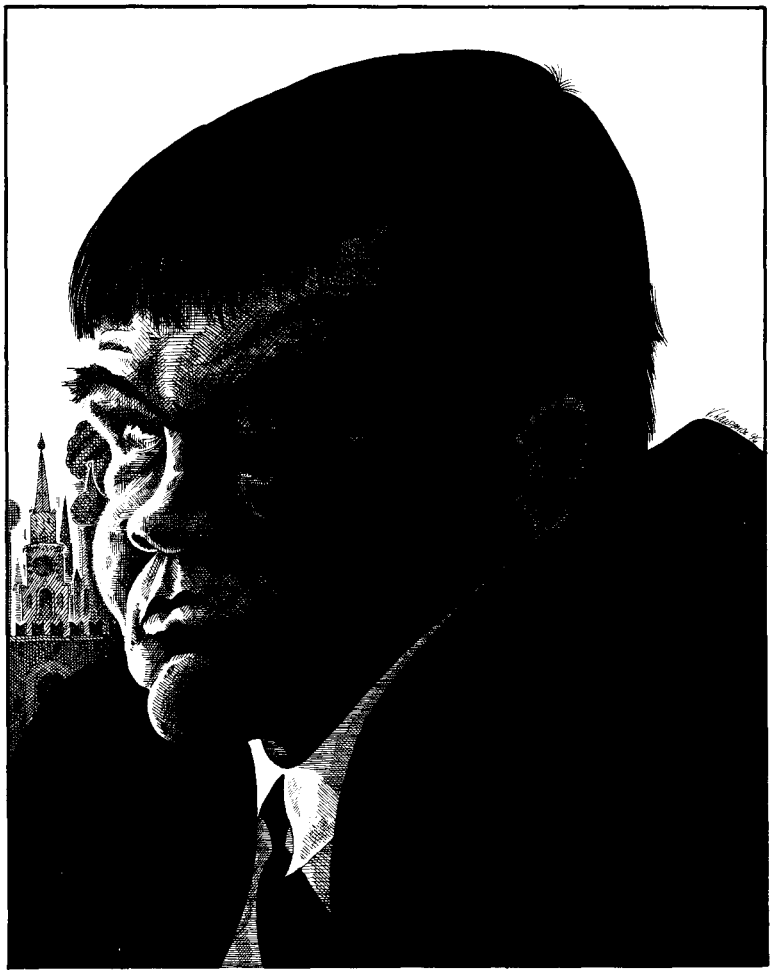
basso profundo, carried an appeal that could not have been better calculated: the visitor had come to be taught how the world works, from the people who make it work that way.

His answer also had the virtue of being true. Lebed is open in his hunger to win the Russian presidency in 2000, or sooner if the ailing Boris Yeltsin expires. As a man who had only traveled abroad once before his trip to America—twice if you count his military service in Afghanistan—Lebed knows there is a great deal about the world he doesn't know.

Besides, there is something beguiling about a 46-year-old man who admits he has something to learn. Especially a man as powerful as Lebed: his last-minute decision to throw his 11 million voters to Yeltsin last June probably saved Russia from reverting to the communists, and today Lebed far outpolls everyone else as the most trusted politician in Russia. Power and humility—even a simulacrum of humility—are a rare combination in Russia. You'd never hear an egotistical windbag like Mikhail Gorbachev so casually admit his ignorance. More to the point, you'd never hear that sort of thing from Vladimir Zhirinovsky, who was the threatening nationalist-du-jour before Lebed came on the scene.



ALEKSANDR LEBED BY VINT LAWRENCE FOR THE NEW REPUBLIC

Tell them what they want to hear. Lebed was, to a remarkable degree, successful at offering to each of his American audiences that part of the elephant it naturally wished to grasp. *The Wall Street Journal*'s editorial board is not a likely pushover for a general officer of the old Evil Empire, but Lebed scored heavily with the board by appealing to one of its softest spots: he denounced high taxes, which he said were stifling the Russian economy. "We were excited to hear him say that clearly," said one board member. When Lebed informed the board that, in his opinion, the ideal tax rate was 25 percent, the members could hardly have been more pleased. Why, 25 percent was the very figure the *Journal* had spotted as the rate most Americans thought was fair.

In a ninety-minute meeting hosted by the Conference of Presidents of Major American Jewish Organizations a few days later, Lebed faced about fifteen Jewish leaders around a conference table and dealt with the question of his reported anti-Semitic remarks. Again, he knew what to say. He unequivocally repudiated anti-Semitism, and said he had never made some of the crude jokes about Jews attributed to him, and that others had been taken out of context. "I was unexpectedly highly impressed," said Phil Baum, executive director of the American Jewish Congress. *New York Times* columnist Abe Rosenthal, who sat with Lebed at a Council on Foreign Relations dinner, got the answer he wanted, too. Rosenthal told me that, on this occasion, he was only really interested in the general's views about the safety of Russia's nuclear arsenal, which Rosenthal finds suspect. Lebed told the columnist that, in his view, Russia's nukes were "not safe." Rosenthal led his next column on a note of gratitude to Lebed for being so frank.

Perhaps all of this is well and good; perhaps Lebed is, as he suggested to American audiences, Russia's Eisenhower or De Gaulle, the rare general who can make the transformation to democratic leader. But it is hubristic to think you can size up a foreign leader on the strength of a few questions and answers over the crème brûlée, and it might be dangerous, too. It might be better to step back and look at the elephant in its entirety.

One place to see the beast more fully is Lebed's book. Throughout his American tour, the general could be seen handing out copies of his autobiography, *Za Derzhavu Obidno*, or, as it might be roughly translated, *It Shouldn't Happen to a Great Power*. Lebed appears on the book's cover in the imposing full-dress uniform of a general in the Russian army. The text, too, is rich in unironic love for the Russian military: Lebed warns that a boy "who trades in bottles of Coca-Cola and packs of chewing gum ... will never grow up to be a Citizen and a Soldier." Russia, he writes, quot-

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ing a tsar, "has only two allies: the army and the navy."

Lebed's lifelong friendships, his career training and his whole frame of reference come directly out of his experiences in the armed forces. Some who know Lebed at home argue that this has given him a limited, simplistic view of life. As a Russian friend once said to me, "He's a military man, and military men think the Rubik's Cube is all one color." In fact, some passages of Lebed's autobiography show a nimbleness of mind that belies this accusation. But the fact remains that he is a man who has spent his life in the business of effecting the will of the Soviet state through the use of lethal force. If the West has been disappointed that Gorbachev and Yeltsin never quite managed to rise above their authoritarian pasts, how will it deal with this baggage?

And then there is Lebed's nationalism. The clearest theme of Lebed's book is that Mother Russia's children must stop frittering away their inheritance. Blessed with rich resources and endowed with a glorious past, Russia, he says, can and will rise again. Occasionally, some of the watchwords of Russia's more nutty nationalists creep into Lebed's prose—he inveighs, for instance, against the "pernicious ... foreign yoke," a classically telltale phrase. But by and large Lebed's rhetoric is not extreme—he doesn't call for taking back Alaska, as did Zhirinovsky. And one can argue, as some Russians have, that the single greatest failure of the new democracy has been not harnessing the natural and immense force of Russian nationalism, instead ceding patriotism to the hotheads and America-haters. In this view, Russia can only be led into functioning democracy by a politician unafraid to wave the flag.

Maybe Lebed is that guy. But if we've learned anything at all since the cold war ended, it is that nationalism is very, very tricky to harness. Maybe a Russian general isn't the best person to hold the reins. It is worth remembering that, while Lebed may have played here the role of student and friend, making appealing sounds about the need to attract foreign investment to Russia and the importance of being open to a dialogue on NATO expansion, many of the general's most loyal supporters back home hate the United States and want to reconstitute the Soviet Union.

The West has a lousy record of judging Russian leaders on the basis of their visits abroad. Gorbachev, working the lunchtime crowds on Washington's Connecticut Avenue, won swoons of admirers here just as Russians at home were concluding that he was more of an obstacle to reform than a catalyst for it. Yeltsin, in his 1990 and 1994 trips abroad, was noted primarily for his boorishness—giving speeches drunk and even standing up the Irish prime minister because he was too tanked to get out of the plane. Yet it was Yeltsin, not Gorbachev, who finally foreswore communism and embraced capitalism. Lebed hasn't been granted the sort of blessing the West gave Gorbachev. But he's made more progress toward it, more quickly, than anyone might have dreamed possible. Before the love-fest goes further, the general's new fans should look harder and longer at him. It's *uchitsya* time. •

Bipartisan law v. good law.

HUDDLED ELITES

By John B. Judis

We have entered the biannual interregnum, after campaigning ends but before real governing begins, when talk of bipartisanship fills Washington. This year the talk is even more earnest than usual, because pundits believe the waning days of the last Congress—when the GOP passed and Bill Clinton signed legislation on welfare, health care, the minimum wage and immigration—provide a solid record of achievement on which Clinton and the new Republican Congress can build.

But the general sunniness regarding the last Congress's achievements is undeserved. In theory, bipartisanship is supposed to make good law by eliminating extremism on both sides and building a consensus in the middle. In practice, the legislation it produced this summer appeared to make significant changes, but actually protected and reinforced the worst aspects of the status quo.

The Kassebaum-Kennedy bill was not a victory for those unable to transfer their health care when they switch or lose jobs, but for the insurance companies that don't want to, and still won't have to, cover them. It's all in the fine print: if you have a pre-existing condition, an insurance company can get out of offering you a policy—either by pushing its rates prohibitively high or by shunting you off to dilapidated, state-run high-risk pools. (See "Pool Sharks," April 29.) The minimum wage bill did raise wages for several million poor workers, but

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it also contained egregious giveaways to life insurance companies, multinationals, newspaper chains and investment banks. (See "Bare Minimum," October 28.)

The story of how the immigration bill became law, and what sort of law it became, offers perhaps the definitive case study of the bitter fruits of bipartisanship. And it is worth a little study; the politically potent combination that came together in the 104th Congress to produce an immigration bill—a Republican Congress beholden to business lobbies and a White House eager to score transient political victories—will likely produce more celebrated, bad legislation in the 105th. The immigration bill initially followed a script that had led to success with Social Security: a bipartisan commission issued recommendations for legislation, which congressional committees translated into bills. But these bills were taken apart by powerful lobbying coalitions. In the end, liberals and conservatives did salvage a bill. But it was one fundamentally different from, and much worse than, the law originally proposed.

Major immigration legislation had already been passed in 1986 and 1990. The 1986 bill tried to curb illegal immigration. It increased border surveillance and made it a crime to knowingly hire illegals, while granting amnesty and permanent residence to those already here. But illegal immigration has continued largely unabated, and employers, particularly in the clothing industries, continued to take advantage of illegals to produce goods under sweatshop conditions. The 1990 bill increased immigration from 500,000 to 675,000 a year, while decreasing the number of newly emigrated unskilled workers who, studies showed, were depressing wages. In practice, the new law led to much larger increases in immigration—almost a million last year—and it didn't stem the influx of unskilled workers at all.

The 1990 law set up a bipartisan Commission on Immigration Reform to monitor its results. In 1994 and 1995, the commission, chaired by the late Representative Barbara Jordan, issued recommendations that addressed the problems the 1986 and 1990 laws had failed to solve. These were its key recommendations:

Numbers: The Jordan Commission recommended that for the next five to eight years the U.S. change its admission rules to give priority to permanent residents who want to bring over their spouses and minor children, so that the backlog of requests for family reunification stemming from the 1986 amnesty would be filled in eight years. To accommodate these requests and stay within the limit of 700,000 a year, the commission proposed eliminating preferences for siblings and adult children. After 2002, when the backlog of requests from 1986 was filled, the U.S. would revert to admitting about 550,000 immigrants a year, approximately the level before 1990. The commission's proposal to give priority to reunifying families meant that permanent residents could begin to live normal lives rather than being simply "guest workers." But the commission didn't offer any justification for reducing the immigration target after 2002 and, more important, for not resuming the preference for siblings and adult children of citizens. That would understandably draw outcries from Asian and Latin American organizations.

Workers: The 1990 bill had created admission slots for 140,000 workers who made a special contribution to the economy. A business wanting to sponsor a skilled worker had to obtain Labor Department certification that it had sought to fill the job at the prevailing wage with an American worker. Businesses quickly discovered myriad ways to get around the regulation, including the simple trick of defining a job so narrowly that only one person could fill it. A study of the program by the Inspector General concluded, "The labor market test is a time-consuming paper shuffle that employers endure to give the appearance of complying with the law." The commission proposed replacing the process of labor certification with the payment of a fee that would go for training American workers.

The 1990 act also permitted 65,000 workers with "specialty occupations" to be admitted and employed for six years under what was called an H-1B visa. The only proviso was that they be paid the prevailing wage. But the Inspector General found more than a fifth of the workers were being paid less than the prevailing wage and many were not employed in jobs that qualified as "specialty occupations." (In 1995, Bay Buchanan, Pat Buchanan's sister, got permission to hire a foreign tutor for her children.) The commission declared that in the future it wanted to find a way either to eliminate temporary workers as a category or to integrate them into the process of immigration, but it didn't make any recommendations in its 1995 report. Into this breach leapt Secretary of Labor Robert Reich. Reich proposed that employers who want to hire H-1Bs should be required to show that they had not first laid off American workers from the same jobs, had tried to recruit American workers and were going to pay the prevailing wage or higher.

Illegals: With California attempting unsuccessfully to discourage illegal immigration by denying social services to illegals, the commission called for enforcing the sanctions in the 1986 bill on employers who hire illegal immigrants. It recommended adding Labor Department inspectors and creating a national registry of Social Security numbers that an employer would have to consult to determine whether a worker had a valid number.

Taken together, the commission's recommendations were in the best tradition of American immigration policy—sharply distinguishing legal from illegal immigration, while seeking the prompt assimilation of legal immigrants as citizens. The report was praised by the president and the Republican leadership in Congress. But the effort to subvert the proposals began while the praise was still echoing in the commissioners' ears.

The House immigration subcommittee, chaired by Lamar Smith, and the Senate subcommittee, chaired by Alan Simpson, wouldn't introduce bills until the end of 1995, but, before then, lobbyists, alerted by the friendly reception that the commission's recommendations received, began organizing. Central to this effort was Rick Swartz, who runs a public relations business out of his Washington home. Swartz introduces himself as a former

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civil rights lawyer and liberal, but he is funded primarily by the political right. His main patrons are Wall Street financier Richard Gilder and his Political Club for Growth, a conservative funding group that helped launch Newt Gingrich's GOPAC and subsidizes a variety of efforts, from the Cato Institute to Empower America.

Swartz got seed money to work on immigration from Gilder and was hired to advise two computer companies, Microsoft and Intel, which feared that Congress, heeding the commission and the Department of Labor, would seek to regulate the hiring of skilled immigrants and temporary workers. (Emissaries from the Jordan Commission had tried to explain to Microsoft that its proposals to replace labor certification with a fee would save it time without costing more money, but the company was dead set against any change.) Swartz set up what he called a "left-right coalition." The groups included the National Rifle Association (NRA) and the American Civil Liberties Union (both of which saw the Jordan Commission's plan for site verification as a federal assault on privacy), the National Association of Manufacturers (NAM) and high-tech organizations concerned about restrictions on temporary workers and skilled immigrants, the National Federation of Independent Business (NFIB) and other small business groups opposed to any infringement on their freedom to hire, and Asian and Latin American immigrant lobbies concerned about the reduction of immigrant quotas.

To help assemble this coalition, and keep its right-wing happy, Swartz turned to Grover Norquist. Norquist, a former College Republican apparatchik and protégé of Lee Atwater, runs a Washington lobby, Americans for Tax Reform, that promotes state anti-tax referenda. But his real forte is in bringing together different branches of the right. Every Wednesday, representatives from the NRA, the Christian Coalition (Ralph Reed is an old friend of Norquist) and others assemble in Norquist's office to plot strategy. Norquist is also the movement's link to Gingrich, whom he advises. It was Norquist who brought the NRA and other members of the Wednesday Group into Swartz's coalition, which began meeting in the spring of 1995. By last February, Microsoft had also hired Norquist. Although he now denies that he lobbied on immigration for Microsoft, Norquist specifically listed immigration and the House bill on his registration form as areas he would be working on. Norquist says he included them as merely something he might do. "Since I was working on those issues, the safe thing to do was to overregister," he says.

The members of the Swartz-Norquist coalition had varying views on immigration, but what drew its leaders together were the theories and policies developed at the Cato Institute, a radical free market think tank in Washington. Stuart Anderson, director of trade and immigration studies, and Stephen Moore, director of fiscal policy studies and a former aide to House Majority Leader Dick Armey, wrote op-eds promoting the coalition's position and closely advised Senator Spencer Abraham and Representatives Sam Brownback and Dick Chrysler, leaders of the congressional opposition to reform.

Swartz's views (at least, as explained to me) are somewhat vague, but Anderson, Moore and Norquist espouse a philosophy of immigration fundamentally different from that of the Jordan Commission. Their view can best be described as business libertarianism. They see the entry of foreign workers into the U.S. as an unmitigated blessing, but, unlike liberal immigration lobbyists, they don't worry about these workers being deprived of benefits or citizenship once they cross the border. Norquist exulted in the denial of welfare benefits to legal immigrants. And the three believe that, instead of trying to stem illegal immigration through site verification, the government should institute a "guest worker" program. Wrote Anderson in an op-ed, "It is clear that a guest-worker program would do far more to reduce illegal immigration than would a national registry."

While Swartz and Norquist were organizing their coalition, Simpson and Smith were trying to write bills that would get through Congress. Both men would have been amenable to legislation that mirrored the recommendations of the Jordan Commission, but they thought that, in order to win a majority, they had to appeal boldly at the beginning to the anti-immigrant sentiment among Republicans and the anti-business feelings among liberal Democrats. That turned out to be a fatal error. Instead of bringing together the different wings of Congress, they united the different parts of Swartz's left-right coalition in their determination to kill any bill.

To win Democratic support, Simpson added to the commission and Department of Labor's recommendations his own extraordinarily tough provisions on skilled and temporary workers. He proposed that, before a company could hire a foreigner with an advanced degree, the foreigner had to work at least three years outside the U.S. As Intel CEO Andrew Grove later explained, that meant that a computer company could not hire a promising foreign student out of MIT or Cal Tech, a very common practice in the industry. Simpson also proposed charging companies a fee for each temporary worker they hired. These measures brought the fury of NAM and of Microsoft, Intel and Hewlett-Packard down on Simpson's head.

To appeal to Republican "restrictionists," Smith required that immigrants' sponsors have an income that is 200 percent of the poverty level. That would have excluded millions of potential sponsors, particularly among the former illegals granted resident status by the 1986 amnesty. Smith and Simpson also forbade legal immigrants from receiving any government social services, from welfare and Medicaid to legal aid. These measures inflamed the bills' liberal and interest group opponents.

To defeat the bills, Swartz's coalition adopted a strategy, recommended by Moore, of splitting most of the provisions on legal immigration off from those on illegal immigration, so they could be killed. During the fall of 1995, the coalition turned up the pressure on Simpson and Smith. After Jennifer Eisen, a member of Swartz's group, organized a lobbying day for high-tech executives on the Hill, the two Republicans agreed to tone down or eliminate many of the provisions directed at temporary workers and skilled immigrants. Under pressure from

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the NFIB, Smith agreed to make site verification into a voluntary pilot program. But Swartz and Norquist wouldn't relent until they had destroyed any prospect of a bill on legal immigration. And they succeeded. Last March, with Abraham leading the way, the Senate Judiciary Committee defied Simpson and voted 12 to 6 to split the bill. Then, the full House followed suit and voted 238 to 183 to strip out most of Smith's provisions on legal immigrants.

In both the House and Senate, Swartz and Norquist built a coalition of conservative Republicans and liberal Democrats. The Senate was relatively easy. Kennedy and other Democrats, under pressure from ethnic interest groups, believed that by splitting the bill they could gain leverage on Simpson to remove the restrictions on family immigration and on public benefits, while retaining the new regulations on temporary workers and skilled immigrants. They were wrong. After the vote to split, Simpson dropped any effort to pass a separate bill on legal immigration and reinserted many of the noxious restrictions on family reunification into the stripped-down immigration bill that finally passed the Senate.

But the House, where many freshmen were sympathetic to Buchanan, was more difficult. With the help of Democrat Howard Berman and other liberals opposed to Smith's restrictions on family immigration, Swartz convinced White House point man Rahm Emanuel to endorse splitting the legislation. That turned undecided Democrats against Smith's bills. And Norquist convinced Ralph Reed to issue a letter, two days before the House vote, denouncing Smith's bill as anti-family. The coalition's letter alone was credited with swaying twenty to twenty-five Republicans.

Swartz got Democrats to oppose an imperfect bill in favor of what would be a very bad bill. To split the legislation, Howard Berman and other Democrats lent their name to a Republican resolution, sponsored by Chrysler and Brownback, that got rid of all the provisions in Smith's that affected workers, but that retained the 200 percent requirement for sponsors and the elimination of public benefits for legal immigrants. Kennedy, Berman and the White House would later denounce the bill that emerged from the House-Senate conference, but in those March votes, they laid the groundwork for it.

Norquist then got the Christian Coalition to enter a fray that it had so far assiduously avoided. In September 1994, the coalition had protested the Jordan Commission's proposal for site verification, which it saw as a pretext for a national identity card, but until two days before the House vote, the organization did not participate at all in the debate over the immigration bill. (One Christian right organization, Gary Bauer's Family Research Council, even endorsed the Jordan Commission's plan to give priority to family reunification, which was included in Smith's bill.) But on the eve of the final House debate, at a private meeting attended by Gingrich, Norquist convinced Reed to support Chrysler and Brownback's amendment on the specious grounds that it would "keep families together."

In fact, the bill that emerged from the House was not pro-family. It would have postponed the reunification of many immigrant families well into the next century, while admitting instead siblings and adult children of well-to-do immigrants. And, by eliminating access to social services, it reduced even legal immigrants to the status of guest workers and made them liable to pressure and intimidation from employers and state authorities.

After the House and Senate passed truncated versions of Smith and Simpson's bills, the two bills went to conference. The Republican leadership barred Democrats from deciding what would go into the combined version. The final result, reported out in September, incorporated the worst from each bill. From the House bill, it took the requirement that sponsors earn 200 percent and a provision denying public education to the children of illegals. At the behest of the business lobbies, it made worksite verification entirely voluntary. It eliminated funds that the House and Senate had authorized for labor inspectors. It inserted a section that weakened a provision in the 1986 bill forbidding employers from discriminating against immigrant workers. It even added a provision that gave employers who knowingly hired illegals a ten-day grace period after they were caught to fire them and thereby avoid fines.

The Democrats and the Clinton administration, backed by the liberal immigrant groups that had lobbied to split the Smith and Simpson bills, took umbrage. At a press conference September 17, Kennedy declared, "This bill will do more harm than good.... It treats unscrupulous employers with kid gloves, and it treats kids with an iron fist." Clinton also denounced the bill but, unwilling to veto it outright, settled for a few concessions. He got Republicans to drop the measure barring the children of illegals from public school and to reduce the requirement for sponsors from Smith's 200 percent to Simpson's 125 percent. He also convinced Republicans to remove some bans on social services for legal immigrants, but that was beside the point. Clinton had already signed the welfare reform bill, which permitted states to deny welfare and Medicaid to legal immigrants. On September 30, Clinton signed the immigration bill into law.

As Clinton begins his second term, and the Republican Congress reconvenes, both Democrats and Republicans are planning new forays into immigration reform. Smith wants to reintroduce his new restrictions on legal immigration, Kennedy wants to bring back the reforms concerning temporary workers and skilled immigrants, and the White House wants to eliminate the restrictions on welfare and Medicaid for legal immigrants. Perhaps Congress will grapple with some of these proposals, and perhaps it will even reach grand bipartisan compromises to reform immigration law further, but given that the cast of characters hasn't changed on Capitol Hill, Pennsylvania Avenue and K Street, the conclusion is likely to be the same. The Clinton administration will congratulate itself for having conquered gridlock, pundits will celebrate the end of partisan pettiness, lobbyists will smile in the shadows, while for immigrants and American workers alike, life will go on pretty much as before. •

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THE HARD QUESTIONS

Honor and resentment

The politics of the ancients was about virtue and honor, but we moderns are concerned with fairness and rights. There is some truth in this familiar adage, but only to a point. On the surface, our political debates make little mention of honor, a seemingly quaint concern best suited to a status-ridden world of chivalry and duels. Not far beneath the surface, however, some of our fiercest debates about fairness and rights reflect deep disagreement about the proper basis of social esteem.

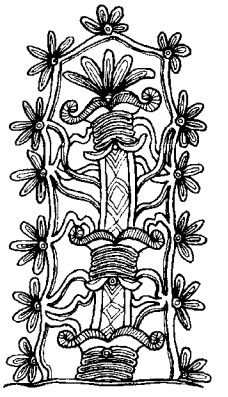
Consider the fuss over Callie Smartt, a 15-year-old cheerleader at a high school in West Texas. Last year she was a popular freshman cheerleader, despite the fact that she has cerebral palsy and moves about in a wheelchair. As Sue Anne Pressley reported recently in *The Washington Post*, "She had plenty of school spirit to go around.... The fans seemed to delight in her. The football players said they loved to see her dazzling smile." But at the end of the season, Callie was kicked off the squad.

Earlier this fall, she was relegated to the status of honorary cheerleader; now, even that position is being abolished. At the urging of some other cheerleaders and their parents, school officials have told Callie that, to make the squad next year, she will have to try out like anyone else, in a rigorous routine involving splits and tumbles.

The head cheerleader's father opposes Callie's participation. He claims he is only concerned for Callie's safety. If a player comes flying off the field, he worries, "the cheerleader girls who aren't handicapped could move out of the way a little faster." But Callie has never been hurt cheerleading. Her mother suspects the opposition may be motivated by resentment of the acclaim Callie has received.

But what kind of resentment might motivate the head cheerleader's father? It cannot be fear that Callie's inclusion deprives his daughter of a place; she is already on the team. Nor is it the simple envy he might feel toward a girl who outshines his daughter at tumbles and splits, which Callie, of course, does not. The resentment more likely reflects the conviction that Callie is being accorded an honor she does not deserve, in a way that mocks the pride he takes in his daughter's cheerleading prowess. If great cheerleading is something that can be done from a wheelchair, then what becomes of the honor accorded those who excel at tumbles and splits? Indignation at misplaced honor is a moral sentiment that figures prominently in our politics, complicating and sometimes inflaming arguments about fairness and rights.

Should Callie be allowed to continue on the team? Some would answer by invoking the right of nondiscrimination: provided she can perform well in the role, Callie should not be excluded from cheerleading simply because, through no fault of her own, she lacks the physical ability to perform gymnastic routines. But the nondiscrimination argument begs the question at the heart of the controversy: What does it mean to perform well in the role of cheerleader? This question, in turn, is about the virtues and excellences that the practice of cheerleading honors and rewards. The case for Callie is that, by roaring up and down the sidelines in her wheelchair, waving her pom-poms and motivating the team, she does well what cheerleaders are supposed to do: inspire school spirit.



But if Callie should be a cheerleader because she displays, despite her disability, the virtues appropriate to her role, her claim does pose a certain threat to the honor accorded the other cheerleaders. The gymnastic skills they display no longer appear essential to excellence in cheerleading, only one way among others of rousing the crowd. Ungenerous though he was, the father of the head cheerleader correctly grasped what was at stake. A social practice once taken as fixed in its purpose and in the honors it bestowed was now, thanks to Callie, redefined.

Disputes about the allocation of honor underlie other controversies about fairness and rights. Consider, for example, the debate over affirmative action in university admissions. Here too, some try to resolve the question by invoking a general argument against discrimination. Advocates of affirmative action argue it is necessary to remedy the effects of discrimination, while opponents maintain that taking race into account amounts to reverse discrimination. Again the nondiscrimination argument begs a crucial question. All admissions policies discriminate on some ground or other. The real issue is, what kind of discrimination is appropriate to the purposes universities serve? This question is contested, not only because it decides how educational opportunities are distributed but also because it determines what virtues universities define as worthy of honor.

If the sole purpose of a university were to promote scholarly excellence and intellectual virtues, then it should admit the students most likely to contribute to these ends. But if another mission of a university is to cultivate leadership for a pluralistic society, then it should seek students likely to advance civic purposes as well as intellectual ones. In a recent court case challenging its affirmative action program, the University of Texas Law School invoked its civic purpose, arguing that its minority admissions program had helped equip black and Mexican-American graduates to serve in the Texas legislature, on the federal bench and even in the president's Cabinet.

Some critics of affirmative action resent the idea that universities should honor qualities other than intellectual ones, for to do so implies that standard meritocratic virtues lack a privileged moral place. If race and ethnicity can be relevant to university admissions, then what becomes of the proud parent's conviction that his daughter is worthy of admission by virtue of her grades and test scores alone? Like the father's pride in his cheerleader daughter's tumbles and splits, it would have to be qualified by the recognition that honor is relative to social institutions, whose purposes are open to argument and revision.

Perhaps the most potent instance of the politics of honor plays itself out in debates about work. One reason many working-class voters despise welfare is not that they begrudge the money it costs but that they resent the message it conveys about what is worthy of honor and reward. Liberals who defend welfare in terms of fairness and rights often miss this point. More than an incentive to elicit effort and skills in socially useful ways, income is a measure of the things we prize. For many who "work hard and play by the rules," rewarding those who stay at home mocks the effort they expend and the pride they take in the work they do. Their resentment against welfare is not a reason to abandon the needy. But it does suggest that liberals need to articulate more convincingly the notions of virtue and honor that underlie their arguments for fairness and rights.

MICHAEL J. SANDEL

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BOOKS & The Arts

Stanley Kauffmann on Films

The Portrait Retouched

Once more unto the breach, dear friends—the breach between a distinguished novel and a film made from it. This time it is Henry James's **The Portrait of a Lady**. Jane Campion's film (released by Gramercy) summons, once more, a wild fancy; this would be an even better film than we can think it if the novel didn't exist.

Concede at once that condensation—of James's fifty-five chapters, of his deep explorations of character—was inevitable if we were going to survive the film, which runs 144 minutes as it is. Viewing, contrary to popular assumption, is harder than reading: we have all read for more than 144 minutes many times, but film is more draining per second than reading, more unrelenting in its command of our collaboration. Besides, there is the subconscious imperative of theatrical shape that nags at the back of our brains while viewing, which doesn't occur while reading. Whether the actors are live or photographed, an acted story has temporal obligations.

The screenplay by Laura Jones, who has written for and with Campion in the past, nonetheless tries to frame the events—more important, the moral adventure—in some kind of Jamesian proportion. In 1872, Isabel Archer, a young American woman, is in England at the estate of relatives when she gets a marriage proposal from the highly eligible Lord Warburton. She declines: certainly because she doesn't love him, but certainly, too, because she is hungry for experience, of a kind she can't specify. Another man proposes, too, while—so to speak—she is observed by her cousin, Ralph Touchett, a gentle soul, ill with consumption. After she declines the second man, Ralph persuades his rich dying father to leave Isabel a large legacy to empower her quest for who knows what. "The conception of a certain young woman affronting her destiny" was how James conceived the novel; and Isabel heads for the continent to do her affronting.

In Florence, she meets a fortyish American who lives there, Gilbert Osmond, an aesthete with "an odd mixture of the detached and the involved." He, too, proposes. Isabel takes three years to make up her mind, traveling the while; then, following her destiny, she marries Osmond. Her destiny darkens. The couple has a baby that dies, and they develop an enmity that lives. Previous suitors reappear. For these and other reasons, Osmond becomes even angrier at Isabel. She, for her part, learns disturbing facts about Osmond's past. When Ralph Touchett, back in England, begins to die, Osmond forbids Isabel to go to him. She disobeys. With her lovingly at his side, Ralph dies. The novel ends with her return to Italy, though not necessarily to her marriage. The film leaves us wondering whether she will indeed return to Italy. In either case, there is more destiny to affront.

It is a critical commonplace that Isabel in some ways resembles James himself. She comes from Albany, New York, where James spent some of his childhood. Like James, she is of an era in which the gaining of experience for young Americans of her class meant going to Europe, being seasoned there. Whether or not James would have adapted, to himself and Isabel, Flaubert's "*Madame Bovary, c'est moi*," Campion has colored her film as if he had that empathy. To her, James was not only concerned with "a certain young woman," he was a pioneer in feminist issues as such.

Some of Campion's embroidery is strange, some heavy. The sequence before and under the credits shows us contemporary young women of different races, all in airy gowns in a woodland glade, all circling and beseeching the camera. Perhaps this is to suggest that, even today, the persistent image of young women is that of available nymphs. Interludes in the film take James's implication into the explicit. We see Isabel's frustrated sexual hunger in a dream scene in which she rolls on a bed with her suitors. Her travels in Mediterranean countries are synopsized in a heated fantasy that presents her naked. (Did James ever see a naked woman?)

These additions, and others, seem more than an attempt to assure us that James is up to date: they also seem an attack on Jane Austen's acceptances. Recent Austen films have italicized that her young women have no options in life but to hunt for rich husbands. Isabel is aware of other options (her friend Henrietta Stackpole is a journalist), but, even within the marriage game, she has more nuance, more suggestion of secret shadow, she chafes more at social boundaries. Campion apparently wanted to dramatize this difference from the Austen pattern.

FILMS WORTH SEEING

The Crucible. *Arthur Miller's best play, about the Salem witch trials, seems stronger now that it's free of modern allusion. Good: and it gets better as it goes. (Reviewed 12/16/96)* **The English Patient.** *The screenplay, involving several World War Two romances, gets pulpy, but the acting and the cinematography never falter. (12/9/96)* **Everyone Says I Love You.** *Woody Allen creates a musical by decking a 1990s story with 1930s songs. Except for Allen himself, it's funny, touching, fanciful. (11/11/96)* **Shine.** *From Australia, a fictionalized true story about a young pianist pushed into neurosis by a too-sternly loving father—and the after-effects. Exceptionally well performed. (11/18/96)*—**SK**

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Cinematically, too, Campion is sometimes intrusive. A number of sequences begin with a tilted establishing shot, for no reason except that she wants to remind us that she's at the helm. The cuts between scenes, intended to be elliptical, are sometimes merely jerky. And she leans a lot on great close-ups, which get a bit repetitious even when she keeps the heads off-center.

But, with the exquisite camera work of Stuart Dryburgh, Campion gives us an inviting view of every scene, sometimes a touch tricky (past statuary), sometimes a touch too picturesque (with huge trees), but on the whole with an eye that searches and perceives. And crowning her work are her accomplishments with her cast. (Except Shelley Winters as Mrs. Touchett and Shelley Duvall as Countess Gemini. The two Shelleys could have been left wherever they were.)

Nicole Kidman may not be the Isabel Archer of our imagination, but neither is she the Nicole Kidman of our past acquaintance. In the recent bizarre *To Die For*, she was surprisingly colorful, and here Campion has induced her to mine herself further. Kidman comes up with tones of hurt and resolve and poise and warmth that she has never shown before.

John Malkovich, not always easy to admire, is perfectly cast here, which is itself a rarity. His moodiness and almost disinterested viciousness fit Gilbert Osmond. He gives a performance that, without grotesquerie, makes us scent from the start that there is unpleasantly more to him than Isabel suspects. The most adroit casting is of Barbara Hershey as Madame Merle. Hershey is light-years away from her beginnings in film as a Barbie doll with a voice. Through her three film decades, she has grown and grown, with insufficient praise for her continuing development. Playing the mature American-born woman who has long lived in Europe and has learned from it, Hershey immediately and perfectly suggests complexity.

Martin Donovan, known for his quite different work with Hal Hartley, is touching yet manly as the afflicted Ralph. John Gielgud is his father, a small part but, naturally, unforgettable. (Odd thought: How does a 92-year-old actor feel about playing a deathbed scene?)

And a note of gratitude to the film's Polish composer, Wojiech Kilar. Kilar's music, relying on meditative strings, helps to carry the film along. Campion's choice of Kilar is one more sign that the woman who made *An Angel at My Table* has emerged from the preciousness of *The Piano* to resume an interesting career. •

What birth order and Darwin can't explain.

Up From Scientism

BY ALAN WOLFE

I.

You might think that a book filled with correlation coefficients, careful attention to problems of selection bias, detailed consideration of counter-factual cases, and ingenious ways to present data would be a model of scientific method. Its author certainly thinks so. "Methods from the behavioral sciences," Frank Sulloway confidently writes, "can be gainfully employed to test historical hypotheses that have previously been accepted on faith." One of his book's many aims is to advance the notion that rigorous quantitative methods yield more truth into human affairs than "those interpretative fads that pass for progress within the humanities."

But if you did think all those things, you would be wrong. Sulloway's book fails the most important test of science. It is not tables and hypotheses that make an inquiry scientific, it is attitude. Humility, tentativeness, a willingness to be open to explanations more parsimonious than one's own: those are the characteristics which have distinguished the rise of scientific method. Sulloway, by contrast, is immodest, bombastic, ambitious, combative, defensive. The audacity and the inventiveness of Sulloway, and others who advance a neo-Darwinistic synthesis in the explanation of human behavior, cannot be doubted. But when applied to human beings, about whose behavior so

Born to Rebel: Birth Order, Family Dynamics, and Creative Lives
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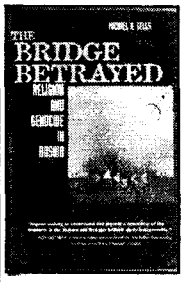

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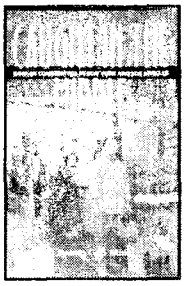

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much is unknown, we must never call it science. A great deal of contemporary neo-Darwinism is, instead, an example of the very interpretative faddishness that, according to Sulloway, characterizes those more willing than he to accept things on faith.

Sulloway's idea is that birth-order explains a great deal of why some people rebel and other people conform. Why was it, he asks, that when Charles Darwin published his revolutionary work on evolution, some scientists embraced its principles enthusiastically while others denounced it as wrong-headed? Clearly, different individuals respond differently to innovation, not only in science but in politics: the reception of women's suffrage, or of abolitionism, by and large contemporary with Darwin, was also divided between some who embraced change and others who joined the forces of the status quo.

As he pondered this phenomenon, Sulloway noticed that people within the same family often separated into one or the other camp. And if so, then the two most influential theories which seek to explain social change have to be discarded, or at least significantly modified. One is Marxism, the other is Freudianism. Since just about all members of the same family are also members of the same social class, class position alone cannot determine an individual's consciousness. And "offspring are not trying to kill one parent in order to take sole possession of the other. Childhood is about maximizing parental investment, not reducing it by half."

The best theory to explain the receptivity to Darwin's ideas, Sulloway argues, was offered by Darwin himself. Siblings compete for parental attention. The more there are, the harder it is for any one to get it. In this highly competitive game, some will have a natural advantage: they will have been born first. Having grabbed parental attention when they held a monopoly, firstborns tend to do everything in their power to keep their privileged place after later children are born. And laterborns, desperately searching for a strategy to break open a closed cartel, must become extremely inventive to find their way into their parents' hearts. Darwinian theory tells us that in the vigorous competition of the non-human world, species adapt and survive or they stay the same and die out. Siblings in the human world have to adapt, too. They do so by finding a niche and cultivating it. Since firstborns already occupy their own niches, laterborns, if they are to be noticed, have to find unoccupied niches. If they do so successfully, they will be rewarded with parental investment.

Individual temperament is thus shaped by birth-order. It stands to reason that firstborns will be conservative, since already existing niches most benefit them. For laterborns, by contrast, the alternative is innovation or obscurity. No wonder that Voltaire, a younger brother, became a leading figure of the Enlightenment, while Armand, his firstborn brother, became a religious fanatic. But how common is this pattern? To find out, Sulloway studied twenty-eight scientific debates, ranging from the Copernican revolution to quantum mechanics. Consulting with scientific experts, he compiled a lengthy list of all the scientists who took public stands on each debate, determined their order of birth, and uncovered dramatic results: laterborns were twice as likely to support scientific innovations as firstborns. Translated into the terms of statistics, Sulloway points out that the odds of this happening by chance are a billion to one. Unsatisfied even with that impressive demonstration, Sulloway then divides his twenty-eight controversies by their degree of radicalism and discovers even more significant results.

What about innovations outside of science? Sulloway anticipates the question, and he analyzes historical controversies in much the same way. Birth-order tells us why Henry VIII's wives responded differently to their husband, why the terror after the French Revolution was particularly bloody, why some people opposed slavery more readily than others, why Ché Guevara and Carlos the Jackal became terrorists, why some justices of the Supreme Court are more likely to write dissenting opinions than others. It is not only radicalism, moreover, that is determined by birth-order. Political style is similarly determined. Firstborns are more likely to be moralistic and militant, middle children to be compromisers and laterborns to be mushy idealists. Sulloway finds that birth-order is the single best predictor of why some theologians were attracted to the Protestant Reformation; only one other predictor, age, came anywhere near sharing its explanatory power.

Emboldened by the strength of the correlations that he uncovers, Sulloway proposes nothing less than that "birth-order provides a potential Rosetta stone for deciphering some of the basic principles that govern family niches." His subject may seem small, but Sulloway's objective is large. If it is true that the influence of birth-order on scientific discovery is, in his choice of word, "indisputable," we are on the path to appreciating not the contingency in human behavior, but the consistency. Sulloway believes that he has resolved debates that have characterized the study of human beings since Machiavelli and Hobbes. There really is such a thing as human nature, and birth-order determines it.

II.

To survive scrutiny, Sulloway's claims have to pass two tests. His correlations have to stand up; and if they do stand up, his theory about the childhood competition for niches must be shown to be the best explanation of why they do. On both counts, Sulloway's confidence is unwarranted.

Sulloway fully understands why it is important to demonstrate statistical relationships between birth-order and receptivity to innovation. Anecdotes will get you nowhere. For every interesting case like Voltaire's, there are others which upset or deny the importance of birth-order, including Voltaire's protector Frederick the Great who, like most monarchs, was a firstborn. It may be true that laterborns disproportionately supported the Protestant Reformation, but it was led by two firstborns named Martin Luther and Philipp Melanchthon. Isaac Newton was a firstborn, as was Johannes Kepler. Since birth-order cannot explain every case, statistical generalization is the proper way to appreciate patterns and tendencies.

But statistical generalization is not quite the neutral, value-free procedure that Sulloway thinks it is. It involves making judgments. Even the simplest question—who was born first?—is not as straightforward as it seems. If society consigns women to second-class status, should we count as a firstborn the first male child, since females would be unlikely to be taken as serious participants in the competition for parental affection? If longevity is not a fact of life, should we consider as firstborn someone actually born second, but whose older brother died when that child was 2, or 10, or 20? What about step-families? Orphans?

Sulloway, the reader quickly learns, does not use biological birth-order in his correlations. He prefers "functional" birth-order. This means that one of Darwin's severest critics, Louis Agassiz, confirms the statistical generalization because he was "firstborn" and a scientific conservative, even though he actually was the fifth child of his parents. Whether it is justifiable to classify him this way—Agassiz's older siblings all died in infancy—is not the point. The point is that functional birth-order is a construct. Unlike biological birth-order, functional birth-order depends on subjective decisions made by the investigator many times over. So let us be clear that Sulloway never actually shows that birth-order as the casual reader might under-

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stand it correlates with receptivity to innovation. In fact, as Sulloway notes rather astoundingly in one of his appendices, "controlled for functional birth-order, biological birth-order is not a significant predictor of radicalism." In this not unimportant way, the whole project amounts to nothing.

Subjectivity enters into the definition of birth-order in a second way as well. For some of the participants in the scientific and political controversies that Sulloway analyzes, no information exists about birth-order. Rather than accept missing information as a fact of historical life, Sulloway instead adopts a statistical model designed to tell us what the "probable" birth-order of an individual was, given all the other things that we know about the person. Using the example of an 80-year-old who supports Darwin but whose birth-order is unknown, Sulloway reasons that the odds that such a person was a laterborn would be over 100 to 1. Hold on. Birth-order was supposed to explain innovation. By using innovation to guess birth-order, Sulloway breaks down the barrier between his dependent variable and his independent variable.

Sulloway is careful to note that in such a case he would not include his birth-order guess in his correlations; but in his chapters dealing with politics, especially those on the Reformation and the French Revolution, he does use a statistical technique designed to supply missing information. "Usually the missing data involve predictors such as parent-offspring conflict, temperament, and age gaps between siblings, which are particularly difficult to document for everyone in the sample," Sulloway writes. Technically speaking, then, Sulloway shows that (functional) birth-order does not so much predict an individual's temperament as it does the probability that an individual would have a particular temperament if only we knew more about him.

If it is anything but straightforward to classify a "simple" variable such as birth-order, imagine the subjectivity involved in deciding who is a radical innovator and who is a conservative obstructionist. Consider two cases. Ernst Haeckel was a nineteenth-century biologist whose flirtations with racial supremacy endeared him to those Nazis, including his biographer Heinz Brücher, who championed experiments in human breeding. (The story has been recently told in its gory details by Ute Deichmann in *Biologists Under Hitler.*) Margaret Mead was a feminist anthropologist who set out to disabuse Americans of what she took to be their puritanical and oppressive ideas about sexuality. I need hardly tell you that Sulloway classifies the first as an innovator, indeed an extreme one, and the second as a conservative, thereby confirming his theory. (Haeckel was a lastborn, Mead was a firstborn.)

Why? As reactionary as his politics were, Haeckel was a scientific pioneer and an enthusiast of Darwin; we owe the term "ecology" and the expression "ontology recapitulates phylogeny" to him. And as radical as *her* politics were, Mead was not a particularly original thinker; she applied and popularized the ideas of her mentor Franz Boas, and she distorted her field work to conform to her politics. The fact that someone can be radical in politics and conservative in science shows how arbitrary such classifications can be, and therefore how untrustworthy are the correlations based upon them. It also suggests that people may have more than one temperament. And if they do, all single classifications are partial ones.

Faced with classification problems of this magnitude, one begins to understand why humility in interpretation is the appropriate mood for scientific analysis. To guard against the possibility that correlations, even when significant, measure the ways we classify reality rather than reality itself, the scientist should properly emphasize the limits, rather than the significance, of his findings. To some degree, Sulloway does make such admissions; his technical skills are outstanding and he sprinkles his analysis with qualifications. But when it comes to the most important question of all—exactly how significant is a particular correlation?—Sulloway commits an egregious sin.

The odds that mere chance could have produced these patterns, he often tells the reader, are a million or a billion to one. If this were true of the odds that firstborns would be as likely to be innovators as lastborns, such probabilities would indeed be impressive. But that is not what Sulloway measures, at least most of the time. Although he does account for spacing between siblings, and from time to time he examines middleborns, especially in his appendices, it is laterborns, not lastborns, who attract the bulk of his attention. Since every large family will have only one firstborn and many laterborns, the significance of the correlation coefficients is substantially reduced by that fact alone. Thus, when we are told that 96 percent of those in Sulloway's sample of Reformation figures who were executed for their religious convictions were laterborn (twenty-three out of twenty-four), our astonishment at the high percentage is reduced the moment we realize that, at a time when very large families were the rule, such a re-

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sult could well be due to chance. This is an obvious point, one unlikely to survive even the most cursory review, which makes it all the more odd that Sulloway did not present his findings in a way more likely to downplay its significance than to exaggerate it.

Still, it may be the case that, even had he engaged in the proper discounts, Sulloway nonetheless would have uncovered statistically significant patterns. Common sense tells us that laterborn children experience the world differently than their older siblings. (Certainly my third- and lastborn does.) Let us concede, therefore, that an important discovery has been announced in this book: social scientists, as a result of Sulloway's exhaustive statistical investigations, will now have to give the question of birth-order its proper due.

Many scholars would have stopped there; establishing the importance of birth-order is, after all, a major accomplishment, worth the decades of effort that Sulloway put into it. But Sulloway is anything but content to say that something we once tended to neglect is far greater than we imagined. He wants to close his case beyond a shadow of doubt. To do so, he turns to Darwin. And it is in his application of Darwinian theory that Sulloway leaves science behind for the realm of imagination and conjecture.

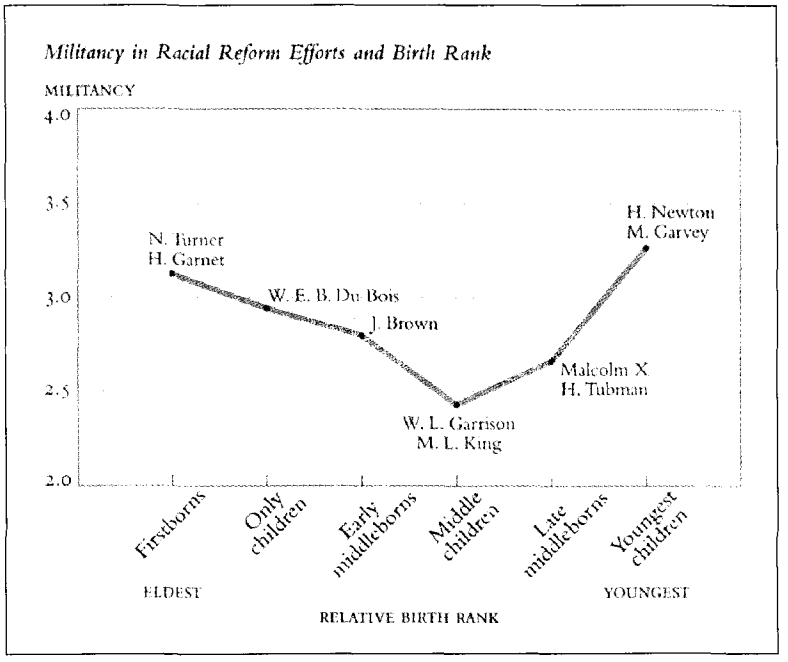

FIGURE 12.2, MILITANCY IN RACIAL REFORM EFFORTS AND BIRTH RANK, FROM *BORN TO REBEL* BY FRANK J. SULLOWAY

The attraction of applying Darwinian ideas to human behavior—once called sociobiology, now evolutionary psychology—is its potential universalism. Biological theories, unlike social ones, are presumed to be true at all times and in all places. Sulloway shares this vision. The causes of rebellion, he writes, "reside within every family. This story is about all of us." Had he possessed more of a scientific temperament, Sulloway would have asked himself, before jumping to such a breathtaking conclusion, whether something other than evolution might have explained the correlations that he found. I have already alluded to one candidate: his correlations can be explained by the very techniques that have been used to gather them.

Aware of the problems of selection bias, Sulloway went to great lengths to neutralize it by relying on the judgment of scientists and historians before classifying his historical figures as radical or conservative. Yet significant sources of potential selection bias remain ignored by him. One of those sources lies in his definition of his problem. For the whole notion that such a thing as birth-order exists is dependent on ordered family patterns. And this is a thoroughly ahistorical assumption. Social historians have convincingly demonstrated the wide variety of forms that families can take in different societies and at different times. Neither eleventh-century families in England nor nineteenth-century families in Africa resembled the families of Charles Darwin and Emma Wedgwood. Sulloway's emphasis on family dynamics assumes a stable family structure within which those dynamics play themselves out. To confirm a theory that is presumably universal, Sulloway carries around a model of the family so culture-laden that he never recognizes it as such.

Then there is the fact that Sulloway tests his hypotheses in only two areas, science and politics. By concentrating on them, he leaves open the possibility that it may be something in the nature of science and politics, and not something in the nature of birth-order, which explains the relationships that he finds. Literary and musical innovation, after all, could be governed by dynamics completely different from scientific and political ones. The last two James children were named Garth Wilkinson and Robertson, not Henry, William or Alice, and none of Johann Sebastian Bach's sons was an especially innovative composer. We know that creativity in different fields requires different talents, which is why mathematicians and physicists make their breakthroughs early on while artists are more likely to do their best work when they are old. If different areas of human endeavor are differently influenced by age, it stands to reason that they may also be influenced differently by birth-order.

All this only begins to limn the problems of selection bias in *Born to Rebel*. From time to time, Sulloway invokes the scientific principle of control groups, testing out his ideas on a group quite different from the one under study, so as to see whether the same statistical patterns in one are found in the other. In looking at the way gender and race interact with birth-order, for example, he compares reformers with a distinct group of conservatives. Yet all members of both groups have one thing in common: they were famous enough for biographical information on them to exist, and this is a clear example of selectivity, since it excludes (I am guessing here) around 99.5 percent of everyone who lived during the time of the controversies that Sulloway recounts. Surely people who become famous enough to have biographies written about them are more driven than those who do not; and the internal dynamics in driven families may be very different from those in families that simply disappear into history.

It should now be clear that one bias in selectivity can interact with another, multiplying the difficulties of making universalist claims. Those about whom biographies are written are likely to be Western and products of a specific family type. They are also likely to be dead, biasing against the possibility that in our times—when families are much smaller, women work and merit is more widely recognized—an entirely new set of statistical correlations would be found. When one considers how long human beings have been on this planet, and how many different ways they have organized their social lives, the concept of birth-order, let alone its relationship to other variables, appears so much the product of one particular time and place that the "all" and "every" to whom its principles presumably apply are a very select, and selective, group indeed.

Even giving Sulloway the most generous benefit of the doubt, then, he has dis-

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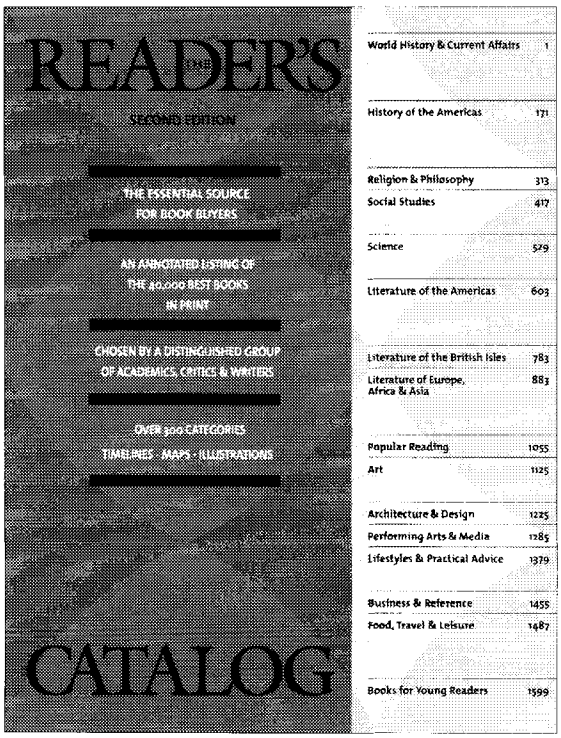
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covered only this: in two particular fields of human endeavor, in one part of the world, and over one broad but still limited period of time, firstborns are different by some impressive but by no means constant magnitude than those born after them. The question is not whether Darwinian theory can explain all of human behavior, but whether it can explain the much more limited slice of life that Sulloway has cut off to analyze.

Again, a scientific temperament would ask: Is there a more parsimonious explanation for what I have found than my instinct to apply Darwinian ideas? An obvious one suggests itself, yet it is never considered by Sulloway. The great majority of Sulloway's examples occurred in the middle decades of the nineteenth century, a period of tumultuous social change. Sulloway invites us to consider the Grimké sisters, prominent abolitionists from South Carolina. Sarah, a sixth-born, became active in the anti-slavery movement, while her younger sister Angelina, the fourteenth and lastborn in the family, became even more radical in her commitments. Laterborns, we are also told, were overrepresented among radical suffragists, thus offering still more confirmation of the importance of birth-order.

But revolutionary times have their own logic. In such times, laterborns will be more radical for no other reason than that they were born later. I was 26 in 1968 and considered myself quite radical, but it was obvious to me that those born just a few years later than myself were even more radical. In radical periods, timing is everything: the assassinations of Kennedy and King affected people differently depending on their age. Much the same was true of abolitionism and women's suffrage, movements that grew more radical year by year. The very intensity of revolutionary periods is what might explain the tendency of younger siblings to be more radical; it is their youth, not their sibling status, that counts. This could actually be tested: the appropriate control group would be a cohort of abolitionists the same age as Angelina Grimké who were not lastborns. Sulloway offers no such test.

Rather than searching for a more concise explanation of his findings, Sulloway does the opposite: he over-explains what he finds. Confronted with a deviant case, he does everything in his power to explain it away rather than to explain it. Yes, Martin Luther was a firstborn, but he was a German and a member of the lower clergy, either of which might explain his radicalism. When birth-order does not explain temperament, Sulloway argues, something else does. By using multivariate statistical techniques, we can add predictor to predictor, ultimately explaining why deviant cases exist. And so we can; but each time Sulloway adds an additional variable to birth-order, he is obligated to note that, in doing so, he is vitiating his own neo-Darwinism. He never does that, either.

Instead he shifts the argument to a debate over the appropriateness of statistical methods in the study of history. And he gets that debate wrong. Offended by a reviewer's comments rejecting a National Science Foundation proposal that he submitted, Sulloway writes as if historians were hostile to the use of statistical techniques. Statistically speaking, he is wrong: some are, some aren't. And just about everyone I know has received a stupid or ill-informed review of a well-wrought proposal or article at some point in his or her career. Few of them would leap from that experience to a generalization about the state of knowledge.

Sulloway writes more like an advocate seeking to nail down a case than a scientist interested in explaining an observation. He differs little, in this regard, from neo-Darwinians such as Richard Dawkins or Daniel Dennett, who defend Darwin in ingenious ways not dissimilar from those used for generations to defend Marx. Ideological thinking is ideological thinking, whether it is socialism or sociobiology; and a future observer of our contemporary intellectual scene will no doubt wonder why intelligent and eloquent writers devoted books to proving how Darwin must be right under any and all circumstances. *Born to Rebel* is a fine example of this tendency to conflate science and ideology, and it deserves to be read primarily as a work of rhetoric—and powerful rhetoric. No number of correlation coefficients can disguise that.

III.

What, then, are we to make of Sulloway's efforts to persuade us that Darwinian theory explains why birth-order is so important? Is family life really "an evolutionary arms race?" Do we occupy niches in a competitive struggle for parental investment? Even to ask such questions is to recognize the sheer amount of speculation involved in inquiries of this sort. Without having found a gene for sibling rivalry comparable to a gene for Parkinson's disease, we are unlikely ever to establish cause and effect in family matters in quite the way that they exist in natural matters. (Or even in natural matters: the controversies over evolutionary theory analyzed by Sulloway continue to this day.)

Thankfully, science does put certain matters to rest. There is no longer a debate over the fact that variation among the species is due to natural selection governed by the ways in which one genetic material reproduces itself from one generation to the next. But it is also in the nature of science to raise new questions for every question that is resolved. For this reason, it is proper for scientists, when confronted with the limits of our present understanding, to speculate about what we still have not yet nailed down. Evolutionary theory is good at explaining how complexity develops, but it has not yet convincingly demonstrated how complexity originated. It may someday be proven that out of the primeval muck a self-replicating molecule arose, but even Richard Dawkins, among the most orthodox of neo-Darwinians, acknowledged recently in *Climbing Mount Improbable* that "nobody knows how it happened," that "there are arguments to the contrary," that we "speculate" when we talk about the origins of life.

The persistence and the development of human arrangements, like the origins of life, is a subject about which we can only speculate. At a time when we barely understand how genes cause disease, sociobiologists, when they make the huge explanatory leap from non-human species yesterday to human beings today, are speculating wildly, positing the existence of "memes" as a mechanism of cultural transmission, suggesting that human minds can shorten the time needed for evolutionary adaptations to take place, or reasoning backwards from the fact that a particular transformation happened to an argument about why it had to have happened. There is no harm in such speculation, but it must not pretend that it is anything other than speculation. At this stage in its development, sociobiology offers occasionally interesting illuminations about how human practices came to be, close to no illuminations about the ways specific societies or individuals behave, and no illuminations at all about how ethical and moral issues ought to be resolved. The notion that such an underdeveloped science could settle the kinds of questions that Sulloway poses is preposterous.

Why has Sulloway's book gotten so much attention? Allow me to speculate. Human beings, or some of them, place a great deal of value on certainty. About themselves, at least, they would prefer not to live without some kind of intellectual closure. And reducing human beings to their animal nature conveys the message that we have discovered a rock-ribbed truth about them: their actions can be understood, their choices analyzed, their tastes explained. This search for certainty

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transcends political ideology: Friedrich Engels was just as attracted to the Darwinist writings of Ernst Haeckel in the nineteenth century as the Nazis were in the twentieth century. Critics of sociobiology who identify the biologizing of politics with conservative ideologies are wrong. Any ideology with a master plan will want the cloak of science to direct people to their proper slots. It does not take much to imagine left-wing versions of *The Bell Curve*: one researcher might find men genetically programmed to abuse women, another researcher might discover innate propensities among blacks for more holistic cognitive styles.

Sulloway's book has no politics, or none that I can discern. This makes it more powerful than *The Bell Curve* as an illustration of how pseudoscientific scientism can be. Race and equality are issues we care about; and if someone comes along and says he can prove racial inferiority, we will be properly skeptical and challenge his findings. Birth-order, as fascinating as it may be, is not a matter of public policy, and it is not held up as a mirror into the nation's soul. Important enough to be interesting and frivolous enough to provoke nervous laughter, birth-order is the ideal way to sneak scientism past us. Those of us reluctant to hear that our race determines our intelligence may be willing to hear that our birth-order determines our temperament. But we will still have surrendered to a false and awful notion: that who we are can be pinned down and explained by what is least human about us, by a fixed drive put into place at the moment of our birth from which it is futile to try to escape.

Sulloway's book is important for its unwitting demonstration that the biologizing of human beings is not only bad humanism, but also bad science. For science is not a method in search of a subject. It is an attempt to understand a subject by using the methods appropriate to it. Just as you do not use a microscope to study huge objects in distant places, you do not use fixed principles to study a species whose major feature is its ability to seize control of a great part of its own development. This is not at all to say that social science is impossible, or that correlation coefficients tell us nothing, or that human behavior cannot be predicted, or that quantitative methods have no place in the study of history. Quite the contrary. The best work done by social scientists tends to be strongly empirical, disconfirming what we thought to be true by marshaling impressive statistical evidence to the contrary. But it refuses to claim, as a matter of philosophical and methodological principle, what *Born to Rebel* claims, which is that its findings are "indisputable" and that, by the by, it has found the secret of history.

He never says so explicitly, but the message that Sulloway conveys throughout his book is that he, like Darwin, is a scientific rebel, willing to follow ideas wherever they lead, unlike those who, owing to conservatism and a failure of nerve, resist innovation and the sheer power of scientific truth. But he classifies himself as poorly as he classifies others. For he has written a deeply reactionary book, not in its politics, but in its deafness to nuance and its intolerance for ambiguity. *Born to Rebel* has more in common with nineteenth-century taxonomy than with late twentieth century efforts to understand human beings as they really are. It is an advance on phrenology, but not by much. •

It's a Mad Mad Mad Mad World

BY LAWRENCE STONE

Millennium: A History of the Last Thousand Years by Felipe Fernández-Armesto

(Simon & Schuster/Touchstone, 816 pp., $18 paper)

Professional historians rarely attempt to write histories of the world. At the very most they will content themselves, like Gibbon, with a study of the rise and fall of a civilization. The few who do make the attempt, such as H. G. Wells, are usually amateurs, and mostly prophets of disaster and decline. It is worth asking why most members of the historical profession have tackled histories so limited in geographical, temporal or cultural range.

For a start, the great civilizations of the world did not get to know about each other before the sixteenth century (or in the case of Japan, even later). They knew nothing of the great trio of technical advances—the magnetic compass, gunpowder and printing—which was to revolutionize Western civilization, and give it the lead in opening up the new Atlantic world of America and the Caribbean. And there is another reason for the limitation on the ambition of most historians. It is that history is hard. It takes years of careful research in the great mass of surviving materials to obtain a reasonable fix on major developments in a single culture within a limited epoch. The realization that this is about all we can hope to achieve is why vast panoramic surveys of huge masses of world history usually fail to gain much interest or respect among scholars.

Felipe Fernández-Armesto's methodology is as open to question as the scale of his theme. He freely confesses that he does not like rhetorical talent, but in fact he uses it to devastating effect. Consider, for example, his put-down of Elvis Presley:

> The offhand manner seemed morally polluting, the pelvic gyrations sexually alarming, the catch in the voice insinuating, the glamour delusive, the art meretricious, the arrogance typical.

And this is just Elvis. It slowly becomes clear that Fernández-Armesto's objective is nothing less than a destruction of the whole concept of the rise of the West. He will have none of it. He prefers to give the advantage to Islam over Christianity, to China or India rather than Western Europe and North America. He concludes that "contrary to appearances, and to modern reputation, eastern Christendom was by one standard of reckoning a more powerful civilization than that of the West," while "Islam was the most dynamic civilization in the late middle ages," whose frontiers were extended, making the Arabian sea a Muslim lake.

Fernández-Armesto's erudition is staggering, but his product is bewildering. He advances no model, claiming that "mega-explanations are inherently unlikely to be right" and urging readers to reject concepts such as "The rise of Capitalism" or "the Modern World" as mere "footling illusions like a giant Mickey Mouse." He is perpetually diverted into telling little anecdotes about ephemeral and distant empires that have risen and fallen in the last thousand years. This book names hundreds of people and places of whom and of which the reader has never heard. It uses words that exist only in the dictionary or not at all. What is the miserable reader to make of "anabasis," "crepitous," "geomancy," "obnubi-

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lation," "phreresis," "pullulate," "teguminous"? And there are other obstacles to comprehension, such as the jokey subtitles within the text. Who could guess that "The Perfect Barbarians" are the Christian crusaders, elsewhere contemptuously dismissed as "a flea-bite on the hide of Islam"? Other such mystifying headings include "Shy and Retiring Empires" for the Mayas and Aztecs, "The Turtle Armada" for a sixteenth-century survey of Japan, and "Riding the Crocodile" for European uninterest in the colonial empires in central America.

Each of Fernández-Armesto's sections is prefaced by a short anecdote, a personal event, a micro-history, if you will. The opening sentence about Latin Christianity tells us that "a mule was as good as a woman for the Basques' perverted purposes" while the fidelity of Khmer wives in Cambodia "could not outlast two weeks' separation." The role of Islam in the early modern age is prefaced with an anecdote describing how "an Oghuz Turkish woman in need of a scratch casually exposed her pudenda to Ibn Fadlan, the Caliph's ambassador." China is introduced by a story of a twelfth-century feast: "The farewell dinner was a protracted affair. Final leave was not taken until dawn. . . ." Fernández-Armesto defends this technique on the grounds that "micro-histories are mini-histories," which up to a point is true. This makes it possible for him to formulate a new view of world history, one far removed from that of the traditional "Rise of the West," or even from Spengler's contorted *Decline of the West.*

Fernández-Armesto's startling conclusion is that "as the end of our millennium approaches, the initiative is returning where it lay a thousand years ago, on the shores of the Pacific." An overarching conclusion, but does he have an overarching explanation for it? No. Whenever he discusses causation, he depends heavily on demographic shifts. For him, the rise and fall of populations means the rise and fall of empires. "Cosmic explanation—attractive but glib—is eschewed here." Fair enough, but can you write an 800-page book about the rise and fall of civilizations without offering some sort of an explanation? In the end he admits that "world history remains a discipline in search of a method." Then why attempt it?

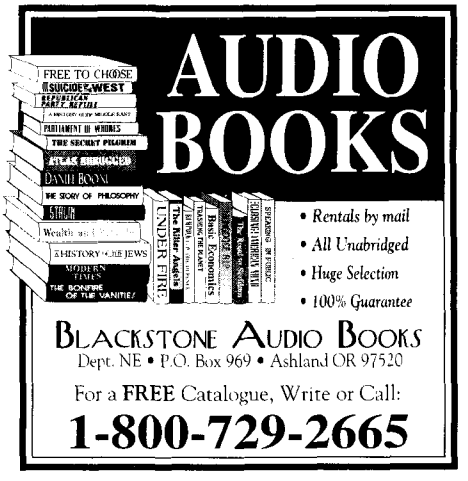
What is rather startlingly missing from Fernández-Armesto's book—and this is exceedingly odd, given his civilizational preferences—is the significance of the defeat of Islam. Between 1000 and 1700 the realm of Islam doubled in size, thanks not least to the religious intensity supplied by Muslim holy men from India. Fernández-Armesto notes this religious, cultural and political expansion before 1600, but he omits the subsequent defeat of Islam by the West, at sea at the battle of Lepanto and on land at the siege of Vienna. The frontiers of the Ottoman empire were pushed back into the eastern Mediterranean; Spain passed back to the Christian West; the Moriscos were ethnically cleansed, never to return; and the eastern Mediterranean and the Balkans were made safe from the Ottoman Empire until the early twentieth century. It was a stunning defeat. About recent history, moreover, Fernández-Armesto is just as sloppy. He calls the Allied victory in World War II "inevitable," which was true only after the entry of America into the war. He believes that the collapse of the Soviet Union in 1989 "was predicted almost from the start," which will come as news to the CIA, whose staff missed this inevitability completely.

The last eighty pages of this remarkable book are devoted to the future. Here, where he can speculate freely, Fernández-Armesto seems entirely at home. His prognoses are interesting. He thinks that the population explosion will be contained by the longer delay of marriage and the wider use of contraceptives, to say nothing of high mortality due to plagues, wars and famines; he may be right, but many professional demographers take a less optimistic position. He foresees a rise of the totalitarian right from the ashes of Marxism and Fascism, which is certainly possible. He foresees that the great mega-states of today will fragment into multicultural societies. America and China will be split by regional identities, allegiances and secessionist tendencies. This seems unlikely. Ethnic quarrels will tear India and South Africa apart. Maybe. All this is fun to imagine and hard to prove. Finally we arrive at Fernández-Armesto's conclusion, which is that our millennium has been characterized by brief challenges from Islam and the West to the almost continuous history of Chinese preponderance. So much for the rise of the West in the last two hundred years.

Disarmingly, Fernández-Armesto freely admits that "my criteria are of convenience, not of value." This is not as charming as he thinks. And is it really true? If he is indifferent to value, how did he come to pick Islam, Christianity and Buddhism as the grand forces in history? This was surely more than a whim. He flatly denies that he respects any "canon of importance" in his choice of which cultures to discuss, which enables him to "put the unfamiliar into the front window." Thus, more is said about the Japanese warlord Okubo Toshimichi than about Queen Elizabeth I of England, and the Renaissance is "contemplated from the perspective of Hungary rather than Tuscany."

"I aim to delight the reader with surprise," he confesses. He certainly does surprise, though not delightfully. Still, if information about out-of-the-way places and peoples is what the reader wants, he is here given a bellyful. Fernández-Armesto describes himself as creating "a mosaic made by a monkey," but one based on "common sense." This lack of a hypothesis of historical evolution leaves him prey to each passing whim. As a result, Napoleon receives about a dozen mentions, the atom bomb two, Descartes and Locke, Luther and Calvin, Paris and London hardly any at all. Instead we are told all about Sultan Barghash of Zanzibar, General Kuo Tzu-i of China, the political theorist Ou-yang Hsiu, the monk Oliba Cabreta of Cerdanya, Count of Besalú, Lord of Berguedà and Ripollès, and the dynasty of Tsin.

Fernández-Armesto's strength lies in his often brilliant comments on paintings, statues and works of art. (This achievement is disastrously marred by his publisher, thanks to whom the illustrations are muddy and often almost black.) He treats statistics with contempt, and there is not a table or graph in the whole book. Place-names and personal names are plentiful, but dates are few and far between, and it is not long before the dizzy reader begins to wonder what is the point of all this extraordinary erudition. There are about 160 personal and place names in the index covering the letter A. Of these 160 words, I have never even heard of half of them and there are more that I could not identify in detail. This situation may be credited either to my abysmal ignorance or to Fernández-Armesto's amazing erudition, or to both. Taking the first page of the index, we



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encounter the following mysterious persons: 'Abd-al-Rahman III; Abe Kobo; Abeokuta; Abiaru; Abu Bakr bin 'Umar al-Lamtuni; Abulafia; Abu Sa'id; Adario; Rashid ad-Din; Agaja, King of Dahomey; Agung, Sultan; Ahmad Ibn Ibrahim (Gragna); Ahmad Musa; Ahuitotzin; Aizawa Seishisai, Akbar; Akbar of Allahabad; Akutagawa Ryunosuke; Akwamu; Alarco; Alauddin Khalji; Albazin fort. Is all this obfuscation serious, or is the reader being taken for a ride? We cannot tell.

The lack of dates or tables or maps, the poor quality of the illustrations and above all the flood of names of unknown people and places make the book almost impossible to read from start to end. What is to blame? In a sense, a history of the whole world over a thousand years was inevitably doomed to failure, since so many of the recorded civilizations knew nothing about one another, and we know so little about them. They were operating on their own, with their own politics, technologies, cultures, religions. Greece and Rome knew little about Egypt; the Mayans and the Aztecs knew nothing about the West until the Spanish invaders appeared; China and Japan evolved virtually on their own. Under these conditions, a history of the world is bound to be little more than a breathless walk through diversely occupied space.

LAWRENCE STONE is the author, among other books, of *Broken Lives: Separation and Divorce in England 1660-1857* (Oxford University Press).

A reply to my critics.

Motives, Causes, and Alibis

BY DANIEL JONAH GOLDHAGEN

I.

At the end of March, my book *Hitler's Willing Executioners: Ordinary Germans and the Holocaust* was published, with several unexpected results. I did not anticipate that a scholarly book would become a best-seller not only in the United States but also in Germany and a half dozen other countries, or that it would produce so much discussion here and abroad. I expected that the book would receive criticism, since it argues that central aspects of our understanding of the Holocaust need to be revised, but I was taken by surprise by the vitriolic and sometimes wild nature of some of the critics' writings.

The book shows that the German perpetrators were ordinary Germans coming from all social backgrounds who formed a representative sample of adult Germans in their age groups; that not a small number of Germans, but a bare minimum of 100,000 Germans and probably many more, were perpetrators; and that these ordinary Germans were, by and large, willing, even eager executioners of the Jewish people, including Jewish children. It also shows that the eliminationist anti-Semitism that moved these ordinary Germans was extremely widespread in German society during and even before the Nazi period. The basic eliminationist anti-Semitic model held that Jews were different from Germans; that these putative differences resided in their biology, conceptualized as race, and were therefore immutable; that the Jews were evil and powerful, had done great harm to Germany and would continue to do so. The conclusion drawn by Germans who shared this view was that Jews and Jewish power had to be eliminated somehow if Germany was to be secure and to prosper. The German perpetrators of the Holocaust were motivated to kill Jews principally by their belief that the extermination was necessary and just.

That is the core argument of my book, an argument that is grounded in extensive research on the perpetrators, particularly their own testimonies as given to the authorities of the Federal Republic during postwar legal investigations and trials. It is the perpetrators themselves who tell us of their voluntarism in the slaughter, of their routine brutalities against helpless Jewish victims, of their degrading and mocking of the Jews. It is they who tell us of their boasting, their celebrations, their memorializations of their deeds, including not the least of which are the many photographs which they took, passed around, put in their albums and sent home to loved ones.

DANIEL JONAH GOLDHAGEN is associate professor of Government and Social Studies at Harvard University.

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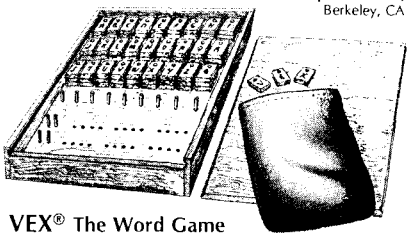

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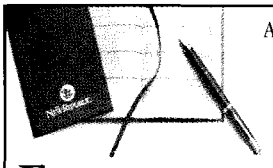

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This record of the perpetrators' own words and photographic images forms the empirical basis of my book and its conclusions.

The response to my book has ranged from highly positive to respectfully critical to brutally disparaging. What is striking about some of those who have criticized my book is that much of what they have written and said has either a tenuous relationship to the book's contents or is patently false. Some of the outright falsehoods include: that little is new in the book; that it puts forward a monocausal and deterministic explanation of the Holocaust; that its argument is ahistorical; and that it makes an "essentialist," "racist" or ethnic argument about Germans. None of those allegations is true.

My book's critics fail with their attacks in the most fundamental ways. They avoid the central issues. They fail specifically to address my book's real purpose, findings and conclusions. Many of the principal individual charges that they do put forward are hollow. And the general positions that they adopt regarding Germans' roles in the persecution and extermination of the Jews are not only untenable but also implausible. I will consider each of these failings in turn.

II.

Thousands of books, monographs and articles have been written on Nazism and the Holocaust. Yet the questions of why many tens of thousands of ordinary Germans from all walks of life, Nazis and non-Nazis alike, killed, tortured and degraded Jews with zeal and energy, and why only a minuscule number availed themselves of the opportunities to withdraw from the unimaginably gruesome killing, have scarcely been broached by historians. Most would agree that these are questions of great importance, that no explanation of the Holocaust can be called adequate if it does not contain satisfying answers to them. Yet those who search for such answers in the writings of my scholarly critics, such as Steven Aschheim, Omer Bartov, Yehuda Bauer, Raul Hilberg, Fritz Stern, Robert Wistrich and others, indeed in the writings of nearly all historians of this period, with the notable exception of Christopher Browning, will be disappointed.

My book goes against the grain of many (though not all) the critics' outlooks and of the existing literature on the Holocaust. It shifts the focus of the investigation away from impersonal institutions and abstract structures (which is where it has overwhelmingly been located) directly onto the actors—onto the human beings who committed the crimes and onto the populace from which these people came. And this forces people to come to grips with the most central and troubling questions of the Holocaust.

I acknowledge the humanity of the actors in a specific manner that others do not. My book eschews the ahistorical, universal explanations of social psychology—such as the notions that people obey all authority, or that they will do anything under peer pressure—that are often invoked, against so much evidence, when accounting for the perpetrators' actions. Instead, I recognize that the perpetrators were not automatons or puppets but individuals who had beliefs and values about the wisdom of the regime's policies which informed the choices that these individuals, alone and together, made. My analysis is predicated upon the recognition that each individual made choices about how to treat Jews. It therefore restores the notion of individual responsibility.

My book also takes seriously the real historical context in which the German perpetrators developed their beliefs and values about the world, beliefs and values that were critical for their understanding of what was right and necessary in the treatment of Jews. For these reasons, it is imperative to learn as much as possible about the German perpetrators' views of their victims and about the choices that they made, as well as about the views of Jews that were generally present in their society. This leads to two sets of questions central to the understanding of the Holocaust. The first set of questions is about the perpetrators: What did they believe about Jews? Did they look upon them as a dangerous, evil enemy or as innocent human beings who were being treated unjustly? Did they believe that their treatment of the Jews was right and necessary? And, if so, why? The second set of questions is about Germans during the Nazi period: How many were anti-Semites? What was the character of their anti-Semitism? What did they think of the anti-Jewish measures of the 1930s? What did they know about and think of the extermination of Jews?

What is striking about the literature on the Holocaust is that, with some exceptions, these central questions about the mentality of the actors are not addressed directly, systematically and thoroughly. Yet any work that fails to answer these questions cannot plausibly claim to explain the perpetration of the Holocaust. Any critic of my book who does not address these questions with systematic counter-evidence and argument is avoiding its central issues. Almost none of my critics propose any answers to the relevant questions regarding the perpetrators (and this negligence is especially glaring among the German critics).

The few who do address these questions often provide laundry lists of factors ("obedience to authority," "peer pressure," "routinization," "rationalization," "siege mentality," "brutalization," "intoxication," and so on), many of which are little more than unilluminating clichés that were postulated before significant research had been done on the perpetrators. These and other concepts have been mechanically slapped onto the perpetrators without their real meaning or applicability to the actual deeds being sufficiently investigated. For decades, these and other such notions ("totalitarianism," "the banality of evil") have substituted for knowledge, have hindered in-depth empirical investigation into the perpetrators' motivations and have kept the perpetrators at a comfortable arm's length.

III.

The purpose of the central investigation of my book is to uncover and explain the perpetrators' pattern of actions, which includes the pattern of their choices. This enterprise, which is informed by the methodology of the social sciences, should be recognized as the primary explanatory task when studying the perpetrators. I have been able to adopt this approach because, against the existing accounts of the perpetrators, I accept the premise upon which it depends, namely the recognition that individuals are responsible agents who make choices. Since this is my book's purpose, it begins with a reevaluation of the explanatory task, which includes the assertion that, until now, those who have written about the Holocaust have specified it incorrectly.

For it is not just the killing that needs to be explained, but also something which others have not recognized: the virtually limitless cruelty that the perpetrators inflicted upon their victims and that was a constituent feature of the Holocaust, as central to it as the killing itself. As the testimonies of survivors show, and as the killers with their testimonies themselves confirm, the perpetrators brutalized Jews in the extreme. This brutality had no utilitarian purpose. It was—and this needs to be emphasized again and again—nearly ubiquitous, inflicted by the overwhelming majority of Germans who had direct and extensive contact with Jews. To beat and to degrade Jews was, among their German keepers, *normative*. As the head

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woman guard of one death march at the very end of the war testified, even though the guards had received direct orders not to kill and torture the emaciated, sick and dying Jewish women, all of the German women guards "carried rods and all of them beat the [Jewish] girls."

Why were the Jews not put to death in the same manner in which common criminals are executed? Why did ordinary Germans not act as modern hangmen do, who administer death in a prescribed quasi-clinical manner, swiftly, without torment and with minimum pain—in the manner in which the ordinary Germans who killed the mentally ill and others in the so-called Euthanasia program sometimes made efforts to kill? The ordinary German perpetrators of the Holocaust, by contrast, routinely sought to inflict maximum pain on Jews. This, and much other evidence from the Nazi period, and from other historical instances of mass killing, shows that such cruelty is not integral to the task of killing, but that the frequency, the character and the intensity of perpetrators' cruelty vary greatly with the perpetrators' conception of the victims. Even if Germans had not killed millions of Jews, the amount of sustained, inventive, wanton, voluntary cruelty and degradation that they inflicted upon the Jews would be seen as one of the great crimes in history and would in itself demand an explanation. Yet no historian has thought it necessary to put this phenomenon at the center of study.

My emphasis on the perpetrators' cruelty is fundamental in three respects. It shows that any explanation of the perpetration of the Holocaust that leaves out this constituent feature is fundamentally inadequate. In the language of social science, it shifts the dependent variable, namely, the kinds of actions and outcomes that must be explained. And it drives the central task of the book, namely to explain the actions of the perpetrators. My assertion about the centrality of the perpetrators' cruelty is essential both for assessing the character and conclusions of my study and for how we conceive of the Holocaust. Yet my book's critics, by and large, give no notice of it, and none of them ever grapples with its implications.

In my book I laid out not just my purpose but also my assumptions, my methods, my interpretive framework, the nature of the available data, and how I reason to my conclusions. In order to provide an explanation that accounts for the many facets of the Holocaust, I have examined and integrated three levels of analysis: the actions of individuals, the character of institutions of killing and the overall course and character of the program of extermination. I have examined in detail different institutions of killing (police battalions, "work" camps, death marches and, more generally, the revolutionary institution of the camp), each of which reveals different features of the Holocaust, by combining in-depth case studies with broader empirical analyses of the general features of each institution.

The critics respond as if it is insufficient that I have written a wide-ranging study of the perpetration of the Holocaust. Although their own works contain no methodologically rigorous comparative studies, many of them suddenly deem extensive comparison to be necessary for my book, and therefore decree it to be self-disqualifying on this ground. It is true that my book is not a work of systematic comparison with other genocides. It is about the Holocaust. Yet the critics do not mention that I attend to comparative features internal to the Holocaust (the Germans' differential treatment of Jewish and non-Jewish victims, the different institutions of killing and the actions of different perpetrator groups), and to comparisons between the Holocaust and other genocides. I agree that a variety of methodologically rigorous comparative studies have yet to be undertaken by scholars in the field, but the central comparative issues that I do raise—including the features of the Holocaust that make it singular and how my explanation does account for them in a comparative perspective—are plain in my book for all fair-minded readers to see. Moreover, the critics themselves offer no explanations of the Holocaust's distinctive features, which until now they have not even recognized in their own writings.

My book is unusual among studies of the Holocaust for incorporating the insights and theories of the social sciences. An entire chapter is devoted to the exposition of a new framework for analyzing anti-Semitism; and in a methodological appendix I discuss the interpretive problems involved in evaluating the testimonies of German killers of Jews. My critics and I work in a field with little explicit discussion of method and theory, but they write as if such issues are not discussed in my book and are not important. They disparage and dismiss my book as simplistic. They may be confused in believing that a simple explanation means a simplistic study.

Many horrific and complex outcomes have simple causes. The complexity of the specification of the problem and of the manner of its study, on the one hand, and the complexity of the answer or explanation, on the other hand, are logically unrelated. Simple explanations are not to be rejected merely because they are simple or with the dismissal that "we know that things were much more complex." My book is a challenge to much that "we know." The call for complexity is sometimes the refuge of those who find certain conclusions unpalatable.

And if some deem my explanation simplistic, then they must demonstrate that a better one exists. But my critics say that my explanation is wrong without providing any coherent alternative. Not a single critic even attempts to account for the perpetrators' cruelty with its specific features; not a single critic provides any explanation of his own for the voluntarism and the zeal of the perpetrators (even those who acknowledge that I have demonstrated this); not a single critic addresses with some alternative explanation the multiplicity of actions shown to require explanation. Critics charge me with being dismissive of the work and explanations of others. What the critics do not say is that, far from being dismissive of them, I demonstrate that the conventional explanations cannot account for the actions of the perpetrators and the other central features of the Holocaust to which they pertain.

The conventional explanations suffer from a slew of disqualifying conceptual and empirical problems, including a common flawed analytical structure that their proponents simply assume: that the perpetrators did not believe that the slaughter was necessary and just and, therefore, that it must be shown how men could be induced to kill against their will. Put simply, if the perpetrators were anti-Semites who believed that the extermination of Jews was right, then all the situational factors so commonly asserted (without evidence) to have moved the killers are irrelevant. This is a fundamental point: if a person has a preference to carry out an act, then his action, his willingness to act, is to be explained by his preference, and not by hypothesized incentive structures, whether they be positive or negative incentives. By assuming away the perpetrators' consent, instead of investigating whether indeed it existed, those who put forward the conventional explanations exclude from consideration what must be considered to be a critical hypothesis.

My book's penultimate chapter is an examination of the capacity of the rival

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explanations to account for the findings, point by point. (Not a single critic even mentions this assessment.) It shows that the only way to account for the perpetrators' actions, as well as for the distinctive and comparative features of the Holocaust, is by recognizing that they, ordinary Germans, were motivated by a virulent form of anti-Semitism that led them to believe that the extermination of the Jews was necessary and just. And it shows that the other explanations are conceptually untenable and, most importantly, definitively belied by the facts. Yet some of the critics put forward several of the old explanations in criticism of my conclusion. Some examples of this include the frequently invoked "peer-pressure" explanation, for which even Christopher Browning, its champion, fails to present any actual evidence. He constructs it out of thin air. None of the men in Police Battalion 101 ever mentions peer pressure as a factor in their thousands of pages of testimony. And this is the single case study on which he (and all those who rely on his study) bases his general conclusions.

Another example comes from Omer Bartov, writing in these pages. He repeats his pet theory that the German perpetrators became brutalized, but he fails to mention that this theory is refuted in my book. It can be put forward only by someone who knows or cares little about the actual circumstances of the perpetrators' actions. Many of the perpetrators never saw battle, and thus were never gradually brutalized by the horrors of war or by their own immersion in the slaughter of others. In other words, the circumstances that Bartov alleges to be the cause of brutality and murderousness toward others simply did not exist for many tens of thousands of the perpetrators of the Holocaust. Aside from the many other conceptual and empirical problems with this notion (such as why the same perpetrators routinely treated different victim groups differently, which cannot be accounted for by an undifferentiated impulse to violence and brutality), Bartov has mechanically applied to the perpetrators the hypothesis that he generated from his (in my view, problematic) study of members of the German Army in the Soviet Union. Even though the perpetrators of the Holocaust by and large killed in circumstances that render his hypothesis moot, and even though, as far as his writings suggest, he himself has never done any research on them, he declares by fiat that his hypothesis is correct.

Steven Aschheim, writing in *Tikkun*, repeats the untenable notion that the killing was "facilitated by a quite unideological state of mind, a form of intoxication (*Rausch*)." While this might sound profound, Aschheim has not studied the perpetrators of the Holocaust and appears to have no evidence to adduce in support of his notion. This is typical of the many critics who freely speculated about what went on in the Holocaust's killing fields. The truth is that the killers of Jews were not *Rausch*-besotted, unideologized men driven by a frenzied, diffuse bloodlust. Their murderousness was for the most part confined to Jews. They were not unreasoning. Their killing was not an Amok-like spurt of blind rage. They killed continually for weeks, for months, even for years. In their leisure time, in their clubs, in their recreational activities, on their furloughs, they discussed and reflected on their vocation as the annihilators of the Jewish people. They formed, according to the late Helmut Krausnick, the former doyen of German historians of Nazism, a *Weltanschauungstruppe*, a cohort of conscious ideological killers.

The critics' assertions are ahistorical notions that wrest people from their sociohistorical contexts. They imply that any group of people, regardless of their socialization and their beliefs, could be parachuted into the same circumstances and would act in exactly the same way toward any arbitrarily selected group of victims. That is the logic of their criticisms. To the small extent that these criticisms seem even superficially plausible for some subset of the perpetrators, they are each belied by the deeds and the circumstances of action of thousands of other perpetrators. Many, if not most, of the German perpetrators were not in the kinds of cohesive units that are necessary for Browning's "peer pressure" argument. Torturing, boasting, taking photographs and celebrating cannot be accounted for in this way. Many of the perpetrators were in no way previously "brutalized" in Bartov's sense, yet they often killed Jews with zeal and gusto at their very first opportunity. Many of them acted in a manner that defies this notion of "unideological" "intoxication." Compare these theorizings to the words of a German policeman serving in the Krakow region who testified that his compatriots "were, with a few exceptions, quite happy to take part in shootings of Jews. They had a ball!," and who makes clear that they were motivated by "great hatred against the Jews; it was revenge...." Not peer pressure, not "brutalization," not "unideological intoxication" but anti-Semitic hatreds led them to want to revenge themselves for the harms that they fantasized that Jews had done to their country.

Compare the critics' theorizings with the conclusions arrived at by Dieter Pohl in *Nationalsozialistische Judenverfolgung in Ostgalizien 1941-1944*, his new and extensive study of the annihilation of the Jews of East Galicia. "It can scarcely be doubted that the overwhelming majority of the personnel of the occupation had already at the time of their arrival in East Galicia succumbed to the antisemitic *Zeitgeist* of the thirties.... Of decisive importance for the persecution of the Jews, for the translation of these attitudes into actions must have been the antisemitic conversation (*Kommunikation*) within the apparatus of occupation. Here there was, strictly speaking, no one who was opposed to antisemitism. Documents and testimonies of witnesses of extremely diverse origins show that in 1941/1942 a consensus existed that the Jews 'must be gone' (*weg müssen*). Only a few Germans preserved at that time a clear vision of the actual situation and escaped the demon (*Ungeist*)...." And Pohl writes that "many active perpetrators deemed themselves so strongly legitimized that they boasted of their murders in public."

Many of my critics have directed their fire overwhelmingly at my account of anti-Semitism in German society. Many of them write as if showing that my conclusions about the scope and the character of German anti-Semitism are wrong would mean that they and the readers need not deal with my treatment and conclusions about the perpetrators. This stance is intellectually untenable. Even if some would conclude that I am not entirely correct about the scope and character of German anti-Semitism, it does not follow that this would invalidate my conclusions about the evolution of the program of extermination, about the nature of the institutions of killing, about the perpetrators and their motives, about the character of the Nazi revolution. The central part of the study, about the perpetration of the Holocaust, logically, can stand on its own and must be confronted directly.

Turning now to my account of anti-Semitism: I argue that an eliminationist form of anti-Semitism became extremely widespread in Germany already in the nineteenth century. By the time Hitler came to power, the model of Jews that was the basis of his anti-Semitism was shared by the vast majority of Germans. That is why Hitler succeeded with frightening ease in accomplishing the task that he had proclaimed in one of his earliest

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speeches (August 13, 1920) of converting Germans' hitherto inactive anti-Semitic sentiments into a genocidal impetus. Hitler declared that the "broad masses" of Germans possess an "instinctive" anti-Semitism. His task consisted in "waking, whipping up, and inflaming the instinctive [anti-Semitism] in our Volk" until "it decides to join the movement which is ready to draw from it the [necessary] consequence" and that consequence, he intimated elsewhere in the speech, ought to be the death penalty for that "parasitical people."

My conclusions about German anti-Semitism follow from my conceptualization of the nature of anti-Semitism, which the critics do not bother to mention, namely that a culturally shared model of Jews held them to be unalterably different from Germans and dangerous, and that, therefore, they had to be eliminated somehow if Germany were to be secure and prosper. Whatever the differences that existed in the pernicious qualities that different Germans (including Austrians) attributed to Jews in their accounts of the putative Jewish danger, it is this model that is crucial for understanding the readiness of Germans to support and take part in the eliminationist measures of the 1930s and 1940s.

Instead of addressing this argument and acknowledging the overwhelming evidence that supports it, the critics pitch their criticisms at a conceptual level and with evidence that has little bearing on it. This is odd. Part of the problem might be that those who have written about anti-Semitism extensively, even Aschheim and Wistrich, appear to lack any coherent conceptual apparatus to distinguish among different kinds of anti-Semitism and to relate anti-Semitic beliefs to anti-Jewish actions. The two central questions are: Were most Germans eliminationist anti-Semites? And what was the relationship between these beliefs and Germans' support for the regime's various eliminationist policies? My critics do not address these obviously central questions either in their reviews (or their other writings). Instead, they fly off onto tangents, such as Wistrich's assertion, in *Commentary*, that a crucial issue is whether anti-Semitism in Austria was more virulent than in Germany.

My assertions about the reach of anti-Semitism in Germany before the Nazi period is supported by the works of some of the most distinguished scholars of anti-Semitism (which are cited repeatedly in the notes, though these scholars, and the nature of German anti-Semitism before 1933, are almost never discussed in depth by others who write about the perpetration of the Holocaust, including Browning and Hilberg). Where I depart from some of them is not over the extent of anti-Semitism in Germany, but over its content and its nature. This is also true regarding the Nazi period itself, for which the evidence that anti-Semitism permeated German society is overwhelming. As Ian Kershaw has concluded: "To be anti-Semitic in Hitler's Germany was so commonplace as to go practically unnoticed."

My book's critics denounce its conclusions as if they are outlandish, as if there had not been extremely widespread and virulent anti-Semitism in Germany, even though many of the most prominent scholars of German anti-Semitism have drawn similar conclusions about the extent of anti-Semitism in Germany. Pointing to the existence of institutions whose leadership was formally opposed to anti-Semitism, such as the large Social Democratic Party, is no evidence that its supporters were not anti-Semitic. Workers and others could vote for the Social Democratic Party because of their economic program even though their eliminationist anti-Semitism was not shared by the leadership of the party. Any student of voting behavior knows that individuals' attitudes on single issues cannot be inferred from their votes. As the Social Democratic Party's own report from 1936 lamented: "anti-Semitism has no doubt taken root in wide circles of the population.... The general antisemitic psychosis affects even thoughtful people, our comrades as well."

Still, it should be said that the existing data regarding anti-Semitism in Germany are less than ideal, which means two things: that legitimate disagreements can exist about its extent and its nature, and that the conclusions drawn depend greatly on the methodology and the interpretive framework being employed. It is precisely because of the latter that I have taken pains in my book to lay out my methodological and interpretive approaches explicitly. But whatever exact conclusions might be drawn, the data cannot possibly support any view that denies that anti-Semitism was decisively widespread in Germany during the Nazi period, that the images put forth of Jews in the public sphere were hallucinatory in content, that much of the anti-Semitism that existed in Germany was virulent, and that many wanted to eliminate Jews, even by utterly radical means. My critics, however, attack me for putting forward just this view. Most seem now to agree that anti-Semitism was a necessary cause of the Holocaust, yet they make very little effort to specify how exactly it

LEON WIESELTIER

against identity

Leon Wieseltier's new book grew out of an outspoken and widely discussed essay that originally appeared in the pages of *The New Republic*. *Against Identity* is a series of philosophical aphorisms—meditations, really—on the politics and culture of identity in America. It is a collection of questions, objections, and reflections on identity; grave and witty quarrels with the greatest cliché of our day; a philosophical response to the obsession with identity that now characterizes American politics and culture; and an attempt to rehabilitate the idea of individualism against the cheap comforts of communitarianism.

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influenced the many aspects of Germans' participation in the persecution and extermination of the Jews.

IV.

It is hard to believe that anyone could make the charge that there is little that is new in my book. I have already suggested a number of ways in which the book is novel. These include the new interpretations that the book offers and its use of much new source material—which even one prominent German critic, Hans-Ulrich Wehler, acknowledges and chides other critics for denying. He also wonders aloud why German historians have not themselves done similar investigations. After all, there were at least 100,000 perpetrators who served in an array of different kinds of institutions—yet there is almost nothing written about them. But my critics pretend that everything has already been done and that the state of our knowledge is perfectly adequate. They constantly refer to Browning's book, though it is a case study of only one unit and dubious as the source of general conclusions, because his book is all they have to go on.

Until now no one else has discussed seriously the number of people who perpetrated the genocide. Neither Aschheim, nor Bartov, nor Bauer, nor Browning, nor Hilberg, nor Wistrich nor any of the other critics has given a serious estimate of the number of Germans involved. The critics do not bother to inform their readers that I am the first to discuss the numbers (and the problems of providing an estimate), let alone to convey to readers the significance of the findings or of the fact that we have had to wait until 1996 to learn one of the most elementary facts about the Holocaust.

The general charge of a lack of novelty is no less false than the critics' specific charges, such as Bartov's whopper that I make the claim that I am "the very first scholar ever to have written on the perpetrators." This is a common technique, which Bartov and others use repeatedly: attribute to me indefensible views that I have never put forward which then can be used to show that my work is outlandish or intemperate. As Bartov well knows, I do not maintain that mine is the "first study of the perpetrators." But it is the broadest and most general study of them. Throughout the book, and explicitly in Chapter Five, I discuss and refer to previous studies of the perpetrators in individual institutions of killing. It is hard to understand how an honest person who has read the book could assert what Bartov says here.

Similarly, it would take many paragraphs to show the falsity of Wistrich's invention that I maintain that "Germans after 1850 were obsessed with *nothing* [my emphasis] but the elimination of Jews from their society." Pseudo-profound, condemnatory yet empty phrases, such as Aschheim's "vilifying mystique of the Germans" or Bartov's charge that mine is "a bizarre inversion of the Nazi view of the Jews as an insidious, inherently evil nation" also litter the reviews. One might ask Aschheim what exactly "vilifying mystique" means, and how he would ground this woolly charge in the text of my book? By the way, it is not "vilifying" to say that anti-Semites were anti-Semites and that Germany in the 1930s was populated by an enormous number of anti-Semites.

Bartov's monstrous charge that I have done to Germans what Nazis did to Jews begins with a gross mischaracterization of what I do write. I never say or in any way imply that Germans are an "inherently evil nation" or that Germans "were normally monsters." Bartov's charge (which Browning and Kristen Monroe echo) indicates that his analogical reasoning has short-circuited or that his intent is to vilify. There are only two possible ways in which this comparison could be true. Bartov must believe either that (1) what I am saying about anti-Semitism in Germany is wholly false, because the Nazis' descriptions of Jews were entirely fantastic, baseless fantasies of fevered and malevolent minds imputing to the Jews a biologically rooted boundless will and capacity for evil; or that (2) what I am saying about Germans is partly true, which would mean that some of Germans' eliminationist anti-Semitic litany about Jews was true. If Bartov, Browning and others who have attacked me in this way want to stand by this criticism, then they should explain how one or the other of these statements is true.

The Holocaust emanated from Germany and was therefore principally a German phenomenon. This is a historical fact. An explanation of the Holocaust must obviously ground the Holocaust as a development of German history, which other treatments of the perpetrators, such as Browning's (and Bartov's treatment of the German Army during the Second World War), do not do. Where, in their works, is there any serious investigation of the notions of the world which Germans brought to their tasks or of the society and political culture from which they came? This makes the charge by Bartov, Stern and Wistrich and by those who champion Browning's book that my work is ahistorical particularly curious. Germany during the Nazi period was a society governed by notions of humanity and the social world that were profoundly different from our own. Any historically grounded account of the Holocaust or Nazi Germany must discuss in-depth the profound alterations in consciousness that were taking place and the genesis of these changes, a discussion which is noticeably absent from most treatments of the perpetration of the Holocaust.

It should be recognized, however, that the Holocaust was not—contrary to what some critics pretend that I say—the inevitable outcome of that history. Aschheim asserts, without any evidence, that I present a "teleology" in which the Holocaust was "a long-brewing national project of 'the Germans.'" I never write anything of the kind. What I do write is that the elimination of the Jews (which could take many forms other than mass murder, such as expulsion) from Germany was something that many people in Germany had wished for a long time. The evidence for this is overwhelming, and it is to be found in my book. The book is also clear that, had the Nazis never come to power, then the Holocaust would not have happened. Had there not been an economic depression in Germany, then the Nazis, in all likelihood, would have never come to power.

The Holocaust, like the Nazis' own ascension to power, was historically contingent. Many developments had to occur—developments that were not inevitable—for the Holocaust to happen. Hitler's moral authority was crucial for making the leap to the genocidal variant of the eliminationist ideology, something which the vast majority of Germans never would have contemplated on their own. Aschheim asserts this as a point of novel criticism against me, even though it is central to my own argument, as stated on page 447 of my book. His claim that I present anti-Semitism as a "disembodied, autonomous force determining the course of modern German history" is a gross misreading of my book. There is nothing deterministic about it.

I wish to be clear. No adequate explanation for the Holocaust can be monocausal. Many factors contributed to creating the conditions necessary for the Holocaust to be possible and to be realized. Most of these factors—how the Nazis gained power, how they crushed internal opposition, how they conquered Europe, how they created the institutions of killing and organized the slaughter—are well known, and so, as is explained in my introduction, I do not dwell on them. Instead, the book focuses on the

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motivational element of the Holocaust. It argues that the will to kill Jews derived, for Hitler and for those who implemented his murderous plans, principally from a single, common source, namely a virulent anti-Semitism.

How that anti-Semitism was mobilized and expressed depended on a host of other factors—material, situational, strategic, ideological—and these are discussed in depth, especially in the analysis of the evolution of the regime's anti-Jewish policies and of the character of Jewish "work" during the Nazi period. The regime and the perpetrators produced complex and sometimes inconsistent policies and actions toward Jews. This occurred precisely because they were acting upon their anti-Semitic animus simultaneous to pursuing other goals, and because the political, social and economic contexts in which they acted often placed practical restraints upon their actions.

Explaining the Holocaust and its many features requires, therefore, attention to many factors other than anti-Semitism. Yet whatever the influence of such factors was upon the formation and implementation of the Nazis' anti-Semitic program, the source of the will of the Nazi leadership, and of the ordinary Germans who executed the policies to persecute and to kill Jews, did not derive from these other factors. It derived principally from the actors' common hallucinatory anti-Semitism. In the definitive words of a man from one police battalion, speaking for himself and all his comrades, "The Jew was not acknowledged by us to be a human being."

The Holocaust occurred in Germany because three factors came together. First, the most committed and virulent anti-Semites in history took state power and decided to turn murderous fantasy into the core of state policy. Second, they did so in a society in which their essential views of Jews were widely shared. Third, it was only Germany that was in the geo-military situation to carry out a genocide of this sort. Had either of the first two factors (or the third) not obtained, then the Holocaust would not have occurred, certainly not as it did occur. The most virulent hatreds, whether it be anti-Semitism or some other form of racism or prejudice, do not issue in sustained systematic slaughter unless a political leadership mobilizes those who hate into a program of killing. So without the Nazis the Holocaust would not have occurred and anti-Semitism in Germany would have remained relatively dormant. But without a broad willingness among the ordinary Germans to tolerate, to support and even, for many, first to contribute to the utterly radical eliminationist persecution of Jews in the 1930s (about which the critics are silent, since this period shows unequivocally that the vast majority of Germans supported "elimination") and then, at least for those who were called upon, to participate in the slaughter of Jews, the regime would never have been able to kill 6 million Jews. Both factors were necessary. Neither was, on its own, sufficient. Only in Germany did they come together.

This makes clear why the extent and the substance of anti-Semitism in other countries is not relevant for explaining why Germany and Germans perpetrated the Holocaust. However anti-Semitic Poles, French or Ukrainians were, a regime bent upon exterminating Jews did not come to power in their countries. Since people's anti-Semitism or other kinds of virulent prejudices alone, when not harnessed to a state policy of violent persecution and killing, have produced pogroms and riots but have never produced a genocide, it borders on the nonsensical to believe that anti-Semitism alone would have done this elsewhere in Europe. For this reason, the critics are wrong when they assert that a comparative analysis of anti-Semitism is necessary for explaining why anti-Semitism in Germany but not elsewhere had such catastrophic consequences. Looking at this from another perspective: if anti-Semitism elsewhere in Europe had been the same as in Germany, or even more virulent, it would not change the German story. The existence of much anti-Semitism elsewhere in Europe does explain, however, why the Germans found so many people in other countries who were willing and eager to help them kill Jews.

Many critics, particularly Browning, routinely point to the complicity of non-Germans in the Holocaust, as if showing that there were anti-Semites elsewhere would somehow prove that the widespread anti-Semitism in German society had nothing or little to do with moving the German perpetrators or would somehow make me wrong to focus my study on the German perpetrators. The first conclusion does not follow, and it betrays a fundamental misunderstanding of social scientific method. As I have elaborated elsewhere in an exchange with Browning, the crucial analytical issue is not to explain why some others acted as Germans did, but to explain why there is variance in people's actions, namely why different groups acted differently toward the same victims. This establishes that the killers' conception of the victims and the deed matters, that their willingness to kill matters. Regarding my focus on the German perpetrators, what can be said about them—no Germans, no Holocaust—cannot be said about any other national group. So it is entirely appropriate to concentrate a study on them.

My book never invokes or even hints at any ethnic, racial or biological notion of Germans. It posits nothing about some eternal German "national character." All of these notions are inventions of critics such as Bartov (and Franklin Littell), who claims that mine is an "essentialist view" of Germans who acted as they did because of "what they [were]." These critics never provide any textual evidence from my book to substantiate these charges. They cannot. In stark and direct contrast to the critics' imputations, I emphatically make clear in my book that my argument focuses on the beliefs and the values that existed in Germany in a particular time, which were part of German political culture as it was then constituted, and which informed how Germans responded to the anti-Jewish measures of the Nazi period. To say that most Germans were anti-Semites in the 1930s is no more essentializing than to say that most Germans today are supporters of democracy. Both are empirically based, accurate generalizations about most, though not all, Germans.

As I have repeatedly made clear, I believe that political cultures change, as German political culture has changed during the Federal Republic. The Federal Republic has seen an enormous decline and transformation in the character of anti-Semitism, and a concomitant development of a genuine democratic ethos, each of which is explicable using the same framework I use to explain why so many Germans were anti-Semitic in the nineteenth and first half of the twentieth centuries. Critics such as Wistrich are wrong to maintain that political cultures themselves cannot evolve under fifty years of new political institutions with entire generations being socialized with new beliefs and values in a new educational system. Theirs are the unhistorical views. The survey data document this transformation, not only with regard to anti-Semitism but also democratic values. Fifty years, in this respect, is a long time.

V.

I maintain that the perpetrators who, uncoerced, chose to mock, degrade, torture and kill other people, and to celebrate and memorialize their deeds, did so because they hated their victims, held them to be guilty and believed that they were right to treat them in these ways. The position of all those who say that

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I am wrong is that people who acted in these ways did so even though they did not hate their victims, even though they held them to be innocent, and even though they did not believe that they were right to do so. In the face of the perpetrators' volunteering, their acts of torture, their zeal and energy in killing Jews, their celebrations of the deaths, and their testimony to all of this, what do phrases like "peer pressure" have to do with the reality of the Holocaust? What does it have to do with the reality of the ordinary Germans in Police Battalion 309 wantonly rounding up and then burning to death hundreds of defenseless Jews in the great synagogue of Bialystok? In a remark uncharacteristic for the alleged reluctant killer who had never been "brutalized" because this was his first contact with the fantasized enemy, one of the genocidal killers exulted: "Let it burn, it's a nice little fire [*schönes Feuerlein*], it's great fun." How does "peer pressure," in the sense of reluctantly carrying out a task that one condemns because one supposedly does not want to let down one's buddies, get translated into the reality of the virtually boundless, unnecessary, collective suffering of the Jews at the hands of the ordinary German perpetrators who, as one survivor puts it, "always came to us with whips and dogs"?

The oddness of the critics' view of the perpetrators is set in sharp relief when seen from another perspective. When people think about any other mass slaughter or genocide, in Rwanda, in the former Yugoslavia, in Turkey, in Cambodia, people naturally assume that the killers believed that what they were doing was right. Indeed, in these and other instances of large-scale mass slaughter, as in the Soviet Union or the massacre of the Indonesian Communist Party, it is recognized that the two necessary genocidal conditions that I mentioned earlier—a perpetrator group that hates the victim group and a political leadership bent upon mass killing—have been present. The only perpetrators of genocide or mass slaughter about whom people routinely assert the opposite, namely that they did not believe that they were right to kill, are the German perpetrators of the Holocaust.

The Job Interview

with André Breton, 1957

The question, Monsieur Gracq advised, had best
be asked, and answered, in the Old Lion's den:
would I, duly scrutinized, be allowed
to translate *Nadja*?

Factors in my favor: I did speak French
—the one parlance necessarily shared—
and my links to certain Proscribed Figures
were, to him, unknown.

Bravely enough, therefore, I proceeded
through the Place Blanche and up the Rue Fontaine,
though in my heart (or in some other place)
I knew the danger:

Breton's legendary loathing of queers...
Ever since Jacques Vaché had overdosed
on opium in a Nantes hotel, naked
with another man,

Surrealism's pope had unchurched men
of my kind, condemned our "perverted race"
to a paltry outer darkness, claiming
he could sense, could *smell*

an intolerable presence... Fee fo fum.
Climbing his stairs, I wondered if I gave
off the emanations of turpitude:
would he detect me

by the scent of my "disgusting practice"?
Was I entitled to conceal from him
—indeed *could* I conceal the taint which made
whatever talent

I might have merely an interference,
an imposture? A scuffle of slippers,
and the author of *Nadja* let me in
past the museum

of surreal objects, himself another
museum of sorts, who had shown epigones
how to read, how to live, and how to love.
Some epigones.

Others had failed—rejections, suicides;
Of which no hint discolored our encounter,
affable to a fault. Perhaps the three
decades since Nadja

had revealed to the world her Accidents
of Sublimity had blunted Breton's
erotic stipulations; and I was so
pusillanimous

as to keep my *tendencies* to myself,
where they fluttered helplessly enough:
of course I knew in my heart that the one
surrealist act

—O coward heart! would be to challenge this
champion of liberation, this foe of all
society's constraints, but I could do
nothing of the kind,

nor need I have. O reason not the need:
I left the Master of the Same New Things
with every warrant of his trust in me
as his translator

(*Traditorre—tradutore!* in fact,
if not in French), and forty years have passed
since that traduced encounter. Where are we?
Nadja in English is still

in print, and lots of people still hate queers.
I allay that heart of mine with the words
Breton wrote to the first of his three wives
(Simone, a Jew like me):

criticism will be love, or will not be.

Richard Howard

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This odd situation cries out for an explanation, which might be demanded of all who propagate it. I am saying that, *in this sense*, the German perpetrators were like the perpetrators of other mass slaughters. It is the denial of this—against so much evidence—that is curious, that should be controversial. It is also worth noting that not a single critic has ever addressed this comparative issue, though I have put it forward again and again in writing and in panel discussions.

Why, it might be put to all the critics, has the fact that no German perpetrator was himself ever killed, sent to a concentration camp, jailed or punished in any serious way for refusing to kill Jews not been at the center of every discussion of the Holocaust? I published an article on this in 1985 (many critics erroneously claim that I simply follow Browning, whose book appeared in 1992); and before me Kurt Hinrichsen in 1971 and Herbert Jäger in 1967 demonstrated this historical fact. In my book, I show that the German perpetrators of many units knew that they did not have to kill, because their commanders informed their men that they could exempt themselves from killing without suffering retribution. The men themselves tell us so in their postwar testimony. But the possibilities available to the perpetrators to exempt themselves from the killing, which is perhaps the central fact about the perpetrators of the Holocaust, is curiously absent from almost every work ever written on the Holocaust.

The reception of my argument among survivors of the Holocaust is also worth noting. Many have affirmed to me that the ordinary Germans with whom they came into contact were, with some exceptions, not mere obeyers of orders or coldly uninvolved executioners, as so many historians have argued. The victims remember the perpetrators bristling with hatred of Jews and killing them with joy. This is a common theme of the vast body of books, memoirs and testimonies of the survivors.

Indeed, one of the serious omissions of much of the historiography of the perpetration of the Holocaust (but not, obviously, of the historiography that focuses on the plight of the Jews) is its failure to draw on the accounts and the testimonies of the victims. Slaves and victims of violence and repression are indispensable witnesses. They can tell us whether their victimizers acted with gusto or reluctantly, with relish or with restraint, whether they abused their victims verbally or performed their tasks with detached taciturnity. No historian would dare write of the conduct of American slave masters without drawing on the available accounts of slaves. Yet many historians of the perpetrators of the Holocaust and of Nazism rarely, if ever, listen to the voices of Jews recounting the manner of their treatment at the hands of the ordinary German practitioners of the Holocaust. Hilberg openly disparages their testimony, which he deems to be of little or no historical value. As my book reveals, the respective accounts of the survivors and of the perpetrators regarding the willingness, the zeal and the cruelty of the perpetrators actually often reinforce one another.

On the topic of anti-Semitism in Germany, my critics' position is similarly difficult to defend. I am maintaining that in a country where for generations there was a vast outpouring of institutionally supported eliminationist anti-Semitism, with virtually no institutionally supported positive public image of Jews available, that many in Germany shared this view of Jews and that their beliefs informed what they were willing to tolerate and to do when called upon by the Nazi regime. (Even in a survey in 1946, 61 percent of Germans were willing to express views that classified them as racists or anti-Semites.) The critics are maintaining that most Germans were immune to eliminationist anti-Semitism, that the anti-Semitism did not substantially influence Germans' attitudes toward the persecution of the Jews, and that the anti-Semitism had little to do with the perpetrators' actions. This would be akin to maintaining that the official, public racism of the American South was not shared by most whites and that it had little or no influence upon the attitude of whites, or even slave masters toward blacks, and on their treatment of them. Who would believe this about the American South? Whose position regarding anti-Semitism in Germany should be controversial, mine or that of the critics?

It is my critics who cannot deal with complexity. Consider what Bartov seems to think is his most telling and profound objection to my book (which Wistrich also puts forward): the reduction of the complexity and all of the comparative features of the Holocaust that need to be explained to "industrial killing," which has become one of the uninvestigated clichés about this period. Bartov and the others do not understand that any explanation must account systematically for the aspects of the Holocaust which are different from other genocides and for those which are similar—and that slapping a simple label, one big defining feature, onto the Holocaust violates the canons of historical explanation. Here, too, Bartov ignores the facts. The Germans began the genocide by shooting Jews by the hundreds of thousands. They continued to shoot Jews en masse while the gas chambers functioned. Had they never deployed gas chambers, they would have likely killed almost as many Jews. As it was, they did kill over 40 percent of their Jewish victims by means other than "industrial killing." All this is in my book.

It was the will and the motivation to exterminate European Jewry—just as it was the will of Hutus to slaughter Tutsis in Rwanda—the will, and not the means, by gas or gun (or, in Rwanda, machete)—that is the crucial issue. Bartov's and Wistrich's position would be similar to saying that the defining feature of a murder today is not why a person chooses to kill someone in the first place, why he develops his views of his victim and of the desirability or necessity of his victim's destruction, or why perhaps he mocked, tortured and photographed the victim, but instead why the murderer chose to use one of many available weapons. The catchy but ultimately analytically empty phrase "industrial killing" tells us nothing about *why* the German state and so many Germans devoted themselves and so many of their resources on an unmatched scale to killing a group of people who bore them no enmity and with whom there was no objective conflict whatsoever (which is a very rare historical occurrence). This issue—the issue of will—is the crucial issue, and my critics tellingly do not address it.

Israel Gutman is an eminent historian of the Holocaust, director of the Research Center of Yad Vashem and the editor of the *Encyclopeadia of the Holocaust*. He has asked an interesting question. He began his review of my book in *Ha'aretz* by quoting some of the more outrageous things that have been said about it, and continued: "All these hostile and condemnatory reactions raise the question, if both the form and the content of the book are devoid of any value, why have the pillars shaken? Why did so many and good scholars mobilize themselves for a campaign of criticism and pillorying? . . . The truth is that the book attracted upon its appearance the interest of the broad public because it raised anew in an unequivocal manner central questions, which had, intentionally or unintentionally, been pushed aside or were glossed over by the main body of Holocaust scholarship." That my book's critics cannot even bring themselves to acknowledge this says a great deal about the quality of their criticism. Gutman's question is a good one. Why are the pillars shaking? •

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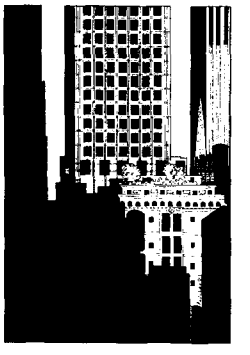
NEW YORK DIARIST

Kitsch and culture

AM I RIGHT THAT THIS THANKSGIVing there was less of that guilt-burdened anxiety which has suffused Thanksgivings of the recent past? No one at my dinner table asked: What do the American Indians have to give thanks for? (The absence of this question is already something to give thanks for this year.) Apparently, even the chichi-est private schools were permitted to celebrate the Pilgrim fest without apologies or embarrassment. Columbus Day, which came off almost entirely without that tiresome public debate about the deadly viruses brought to the "new world" by the *Santa Maria*, had already augured this renewed self-confidence. And the restoration of guilt-free Thanksgiving would be symptomatic of a healthy impulse in our society: the impulse to accept the national legend, at least metaphorically, as applying to all of us. My parents came from a shtetl called Levertov, near Lublin, in Poland. Yet when, as a child, I sang those mythic lyrics, "My country, 'tis of thee, Sweet Land of liberty.... Land where our fathers died, Land of the Pilgrims' pride...," I was appropriating the American past to myself; it was not appropriating me. Citizenship begins in such symbolic appropriations. It is how sea-tossed immigrants arrive and rise, and how descendants of slaves do, too. The denial of collective metaphors may be thought to bolster particularist identities. But what it really does is marginalize them, not a happy outcome either for the dominant culture or for the minorities whose lives are fated to be fragile strands within it.

THANKSGIVING HAVING JUST PAST, the Christmas rush is upon us. I count at least six dance productions of *The Nutcracker* in the metropolitan area. There is the usual Christmas extravaganza at Radio City Music Hall. And you have to endure lines a block-and-a-half long to get through either of the two doors to FAO Schwarz. This being New York, the Hanukah rush is also upon us. For centuries, Hanukah—with no basis in biblical text—was a minor holiday, with a minor nationalist trope. Modern Zionism gave it new gravity. And assimilation forced Jews to employ it as a counterweight to Christmas for Jewish children: eight presents over eight nights commemorating a miracle not as wondrous as the Virgin Birth, but a miracle nonetheless. And while there aren't as many performances of *Judas Maccabeus* scheduled in New York as there are of the *Messiah*, there is the usual range of sensibility: from high culture to schlock. There is, moreover, rough equality (or, to be more precise, rough proportionality) accorded the holidays in public space. Wherever there is a Christmas tree, there is also likely to be a menorah. And the crèches? They've gone down the dustbin of history, thanks to a particularly stupid Supreme Court opinion by Justice Harry Blackmun in 1989, in a case brought by the ACLU, the usual pursuers of the baby Jesus out of the town square. Five years earlier, the Court had upheld a nativity scene surrounded by a clown, an elephant, a teddy bear, Santa's workshop and a talking wishing well. In the 1989 case, Blackmun upheld a menorah next to a Yuletide tree and a sign saluting liberty. But he struck down the crèche because, without the garish accoutrements, it was so explicitly religious as to transgress the establishment clause. Legal practitioners call this the "three plastic animals rule."



BUT PERHAPS BLACKMUN WAS right about the nonreligious character of the menorah. Or maybe, through some serendipity, he foresaw what would happen to it. This year the Hanukah candelabra has become (along with the four-sided top, called the dreidel) a licensed Disney promotion in various permutations. I saw four or five different versions myself: each with Donald Duck, Mickey Mouse, Minnie, Pluto. There is a menorah structured around clowns as well, and one with the requisite nine lights portrayed by the nine players on the baseball field. When push comes to shove, I suppose I am part of the movement for "Jewish continuity," the community's latest programmatic cliché, and I am willing to endure many strategies to keep the tradition alive. But this is a bit much. How, for example, would Catholics feel if Minnie were portrayed—and for sale—fingering her rosaries?

THE ASSOCIATIONS OF COMMERCE and culture are often not just strained but grotesque. Take the coincidence of the big Corot exhibit at the Metropolitan Museum and the desire of Van Cleef and Arpels, a jewelry emporium for the extravagant lodged at Bergdorf Goodman's, to sell its gems. What coincidence? you ask. You are right. There's no link whatever. Nonetheless, in vitrines around the upscale shopping district, you will find copies of Corot paintings, an allusion to the Met show and some spectacular strands of precious stones draped over the canvas. My favorite is the reproduction of a particular signature Corot image, a Gypsy woman, no doubt poor and perhaps nomadic. Here on Fifth Avenue, though, her picture is adorned with an elaborate diamond necklace.

BUT BARNEY'S STILL REMAINS THE true arbiter of the ludicrous. Take its five Christmas windows at the southeast corner of 61st and Madison, each of them finicky contrivances to evoke shabby and slapdash memory. There's one called Blue-eyed Yule, an homage to Frank Sinatra, with relics from Sammy Davis Jr. and Dino. There's Cool Yule, an homage to the Beat generation, grunge-style not for sale anywhere inside, with several icons of Allen Ginsberg and Jack Kerouac plus liquor bottles and, as if excavated from antiquity, actual typewriters. Politically Incorrect Yule is an homage to blondes, from Shelley Winters to Ivana Trump. And we are also wished a Neurotic Yule, by way of an homage to Sigmund Freud. This one was "licensed" to Barney's by the Roger Richman Agency, Inc. of Beverly Hills, California, apparently the Freud heirs' representatives to the world of entertainment and commerce. The estate of Martin Luther King Jr. has rented out Dr. King's memory for Barney's fifth theme window, a "Glorious Yule" with "I have a dream ..." and a grave pronunciamento on nonviolence accompanying gloomy photographs of American blacks from another time. There was, I should say, no Hanukah window; the agent for Mattiyahu Maccabee and Sons could not be found. In any case, Freud did not celebrate Christmas. So Freud's neurotic Christmas on 61st must be a sublimation of Hanukah.

IT'S INSTRUCTIVE THAT CHRISTMAS shopping is taken as an index of the economy's overall health. Even without knowing the retail figures for the Thanksgiving weekend one cannot escape the impression that economic anxiety in the middle- and upper-middle strata has given way to ebullience—which is to say to spending. In recent years, much of the post-Thanksgiving rush was due to foreign shoppers. You still hear French and Spanish, Japanese and Italian, and even a bit of Hebrew, on the fancy streets. But the dollar has gone up, way up, and it is going higher. This may be the foreigners' last chance for bargains.

MARTIN PERETZ

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